

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA PLAINTIFF

VERSUS CAUSE NO. 3:16-cv-00489-CWR-JCG

THE HINDS COUNTY BOARD OF SUPERVISORS,
HINDS CO. SHERIFF VICTOR MASON, ET AL. DEFENDANTS

STATUS CONFERENCE PROCEEDINGS
BEFORE THE HONORABLE CARLTON W. REEVES,
UNITED STATES DISTRICT COURT JUDGE,
MAY 9, 2019,
JACKSON, MISSISSIPPI

APPEARANCES:

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AARON FLEISHER, ESQ.
CANDACE MAYBERRY, ESQ.

FOR THE DEFENDANTS: PIETER TEEUWISSEN, ESQ.
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1 **IN OPEN COURT, MAY 9, 2019**

2
3 MS. SUMMERS: Hear ye, hear ye, hear ye, the United States
4 District Court for the Southern District of Mississippi, Northern
5 Division, is now in session. The Honorable Carlton Reeves
6 presiding. May God save the United States and this Honorable
7 Court.

8 THE COURT: You may be seated. Good afternoon.

9 First of all, I thank the parties for making yourselves
10 available, working with each other to change the time of this
11 status conference today. Counsel for the County had requested it,
12 and I appreciate you all making your schedules flexible enough to
13 move the time and date or move the -- at least the time.

14 But we're here today for a status conference. I received
15 the last monitor's report that has been filed, and I assume
16 everyone has reviewed it. So this is our regularly -- what will
17 soon be called our regularly scheduled status conference. I'll
18 let you all know that I did meet with the monitor last week in
19 advance of this hearing. I know the monitor was here last week,
20 and I think the monitor's, if you will, her team has been here
21 this week, I believe. So I'm ready to find out what I need to
22 know about -- the report is dated 3/5/19 based on the visit that
23 followed, I believe, the January meeting that we had. And the --
24 that report, the report from 3/5/19 in the Court's view did not
25 look appreciably different from -- in many respects, not all

1 respects -- in many respects from the preceding status report from
2 November 2018. So I guess the first thing we need to do is talk
3 about what's in the 3/05 report, and then I'll find out what we've
4 learned since then.

5 So who wants to tell me their side of the report?

6 How do the parties wish to proceed?

7 MR. CHENG: Your Honor, I think typically we allow the
8 monitor to present the bulk of the reporting, and then the parties
9 can comment on it. Sometimes the parties can make remarks,
10 especially in this form, at it might be better if we let the
11 County go first.

12 THE COURT: Okay. With this new format, you mean where
13 the judge comes out in a robe? Because I was prepared to sit down
14 and --

15 MR. CHENG: I think more in terms of the focus the judge
16 has brought on what the differences are between the reports, and
17 it was a little bit more open-ended on previous comments.

18 THE COURT: Okay.

19 MR. CHENG: But since the Court has a specific idea as to
20 how we are to approach the problem, it may be better to have
21 the --

22 THE COURT: Okay. All right. What does the County say
23 about it? The County -- and then I'm going to ask, because I know
24 the County is not the sheriff.

25 So what does the County say?

1 MR. TEEUWISSEN: We're the sheriff when it comes to paying
2 the bills, Your Honor.

3 THE COURT: Okay. When it comes to paying the bills.

4 MR. TEEUWISSEN: I agree with Mr. Cheng. I think it would
5 behoove the Court to hear from Ms. Simpson first. I met with her
6 Tuesday evening, and I think she has observations that --

7 THE COURT REPORTER: Will you please turn your mike on?

8 MR. TEEUWISSEN: Oh, I'm sorry. She has observations, I
9 believe, based on our conversations since the 3/5 report that will
10 frame where we are today and where we need to go, so I agree with
11 Mr. Cheng that it's probably best to hear from Ms. Simpson first.

12 THE COURT: Okay. And you're going to correct her if she
13 makes any overstatements or misstatements or errors?

14 MR. TEEUWISSEN: Of course I will, Your Honor.

15 THE COURT: All right.

16 MR. TEEUWISSEN: I will say one piece of good news. We've
17 had no deaths since we last saw you. And I know that's a low bar,
18 but the last time we saw you, we had just had a death, so that's
19 some good news.

20 THE COURT: I hope you're not speaking one into existence.
21 All right. Knock on wood.

22 Ms. Barker, is there anything -- does the sheriff --
23 what's the sheriff position?

24 MS. BARKER: We agree with the County, Your Honor.

25 THE COURT: All right.

1 MS. BARKER: Thank you.

2 THE COURT: All right. Ms. Simpson, then.

3 MS. SIMPSON: Good afternoon, Your Honor.

4 THE COURT: Good afternoon. Make sure the microphone is
5 on. Just push the button, and the green light should come on.

6 MS. SIMPSON: Okay.

7 THE COURT: There you go. Thank you.

8 MS. SIMPSON: Great. I think Mr. Teeuwissen is correct.
9 I think there is some cause for encouragement after this week.
10 Since we're still sort of in the middle of the site visit, I
11 haven't sort of brought all of the information from my respective
12 experts together, so what I'd like to do is give a bit of an
13 overview and then have each of them present a brief synopsis of
14 what they've seen in their area. And then I'll finish up with
15 some of the administrative areas that I typically look at.

16 We saw a lot of activity and we saw a lot of -- that a lot
17 of activity had occurred since the last visit. There's been a
18 movement in really quite a few areas that's encouraging. There's
19 a long way to go, but with the exception of one area, I think we
20 can say that some progress has been made since the last monitoring
21 report.

22 THE COURT: Let me cut across you and ask this. Is there
23 anyone from the State here?

24 I know the State is not a party. Okay. The reason why I
25 ask -- and I know the district attorney has not been named as a

1 defendant in this matter, and he would be the State for all
2 intents and purposes.

3 But while you give your remarks, I will let you know that
4 in reading these reports, one of the things that the Court is
5 concerned about, as I probably mentioned to you last week, is
6 concerned about is, you know, making sure that -- well, it's my
7 belief there's a fundamental difference between a jail and a
8 prison. And people who are housed in jail, first of all, are
9 presumed to be innocent, and they are there for temporary
10 purposes. They either have been arrested and waiting to be
11 indicted, or they've been indicted and waiting to be tried.
12 Because after they're tried and convicted, they -- the custody of
13 their body belongs to the Mississippi Department of Corrections
14 for the most part.

15 And how do we facilitate a conversation, or how does the
16 monitors, the County, the sheriff's office? And I know there's a
17 team thing that's in place, and we'll talk about that.

18 But how do we have a conversation about how the jail is
19 either adequately staffed or about how people are processed in and
20 out without having the district attorney here?

21 So I say that, Ms. Simpson.

22 MS. SIMPSON: Yes, Your Honor. And actually one of the
23 items I wanted to address was some system issues, and I'll maybe
24 jump right into that because your comments certainly go in that
25 direction. It is an enormous problem for Hinds County and for the

1 jail. They have people there for extremely long periods of time.
2 One of the lists I was looking through -- I wasn't trying to find
3 the person there the longest, but I noticed that one person has
4 been there 1,776 days, which if I could do the math quickly, I
5 would tell you. But it's got to be over four years. And jails
6 are just not built and staffed and serviced for people to stay
7 that long.

8 And in some instances, it's people that are awaiting
9 trial. There are also some -- and a very difficult problem is
10 also people that are waiting for state hospital beds. They are
11 found incompetent, nonrestorable, they're committed. They're
12 sitting there waiting for a state hospital bed, and that could be
13 years as well.

14 So they do have people there for very long periods of
15 time. Their average length of stay is about twice the national
16 average, which is way outside the mark one would aim for. The
17 national average is usually around 20, 22, and they're closer to
18 50 average length of stay which really in some ways --

19 THE COURT: You're saying 20, 22 months?

20 MS. SIMPSON: No, no, days.

21 THE COURT: Days. Days.

22 MS. SIMPSON: And even at Hinds County a lot of people do
23 cycle through quickly, but they have so many people that stay so
24 long that it pushes the average length of stay up to close to
25 50 days. And that sort of understates the problem when you --

1 when you see how many people are actually there for over a year or
2 over two years. It -- jails aren't built for that, and they're
3 not designed for that, and that is a huge problem in Hinds County.

4 It's not something that the County controls or the sheriff
5 controls. But one of the provisions of the settlement agreement
6 is that they have a CJCC, and the County has taken the lead in
7 creating that. It's Criminal Justice Coordinating Council. It
8 underscores the importance of continuing to support that and to
9 move that forward, because that's typically where these kind of
10 systems issues are addressed. It brings the stakeholders
11 together, if they come to the table, and those kind of systems
12 issues can be addressed.

13 One thing we did this site visit is we brought some of
14 those stakeholders together: the County manager, the chief judge
15 of the circuit court, the juvenile court judge, the head of
16 Henley-Young -- I'm trying to think who else was in the room --
17 one of the attorneys for the County. And we had a conversation
18 about developing a pretrial services program that does not move
19 people through the system faster, but it allows them to -- it
20 gives an alternative to be out of custody for that length of time,
21 and the County is very open to doing that. Judge Green is very
22 open to doing that, and it's still a process to develop it.
23 That's a major undertaking, but, hopefully, we'll see that moving
24 forward. The development -- similar to what the federal court
25 has, the development of a risk assessment tool and then a

1 supervision model that would allow some people to be supervised.
2 Those that are more moderate risk could be supervised and stay out
3 of custody during the pretrial period.

4 Also speaking of the systems issues, one of the things
5 that the jail has attempted to do to address some of that is to
6 create a list of everybody who has been in the jail over 90 days
7 who has been unindicted -- or not who has been unindicted -- but
8 who has not yet been indicted. And there have been problems with
9 the accuracy of that list, and I think there was some frustration
10 when it was taken to the judges that they found many of the people
11 on that list would be in jail otherwise or had inaccurate
12 information.

13 One of the improvements we saw this trip was some pretty
14 solid improvement in the area of records and the ability to
15 produce a list of unindicted individuals that is really much more
16 accurate. And there was some feeling that they've gotten a very
17 good response now that they have that improved unindicted list
18 with the judges either finding ways to move to ROR individuals or
19 reducing their bail to what they can afford, so they feel they've
20 moved some people out as a result.

21 And the population -- the jail population is slightly
22 lower than it has been in the past. It had been running closer to
23 630, 650, and right now it's at 590, so that's an improvement as
24 well and partly due to working on that unindicted list and having
25 the assistance of the judges to -- to find ways of releasing those

1 individuals.

2 The areas that I've referred to as the big three are
3 policies and procedures, the facility itself, and staffing, and
4 there's been some progress on the policies and procedures. It's
5 been slow. It's obviously very long after the due date in the
6 settlement agreement, which would have been January 2018, I think,
7 or '17. Sorry, it was six months after the agreement was adopted.
8 And the process has been slow, but they now have three adopted
9 policies, and they have five in circulation.

10 The settlement agreement requires that after they develop
11 a draft policy, that the monitor and the Department of Justice
12 have the opportunity to review and comment, and so when I say five
13 in circulation, that's where they're at in the process.

14 THE COURT: Tell me whether -- do you know offhand the
15 three policies that have finally been adopted?

16 MS. SIMPSON: The three that have been adopted are a
17 pre-booking policy, records, and the booking policy.

18 The ones that are in circulation are protective custody,
19 use of force, initial classification, review and investigations,
20 and release. And I believe we just actually were e-mailed one on
21 Monday, which because I was here I haven't added to my tracking
22 list. But I believe they've circulated grievances, and I have a
23 draft that I received today on PREA, the Prison Rape Elimination
24 Act.

25 THE COURT: Are there any to be expected outside of the --

1 would those constitute all the policies and procedures to be
2 adopted?

3 MS. SIMPSON: No, there's quite a few to go. I wouldn't
4 be able to name them all, but segregation, housing --

5 THE COURT: Are we halfway through?

6 MS. SIMPSON: No. I mean, I will say --

7 THE COURT: And who's responsible for adopting policies
8 and procedures?

9 MS. SIMPSON: The sheriff ultimately signs off on them.
10 They have a policy committee that includes most of the command
11 staff in the jail and some additional people. And it actually is
12 facilitated by a member of my team, Karen Albert, who really
13 doesn't come with us to monitor, but her role is to provide that
14 type of onsite assistance.

15 And I will say that one of the reasons it is slow now is
16 because it is really kind of a training at the same time, that
17 it's a facilitation, a development of the policies. So she really
18 works through with the staff, you know, what the national best
19 practice would be, how to -- how to make that happen in this
20 facility, and the staff is very involved in developing the
21 policies.

22 So they're certainly overdue, but it also I would say is a
23 good process in sort of building policies that are tailored to
24 this facility and that the command staff have a good understanding
25 of by the time they're adopted. So it probably could go faster,

1 but it is a good process I would say.

2 THE COURT: Okay. One concern that the Court has is that
3 we're in the midst of a campaign season. There's -- we know
4 there's a primary election in August, which may lead to a runoff
5 in late August. And I'm not sure if for the sheriff's position
6 there will actually be a general election; I'm not sure. I don't
7 know how all the candidates have lined themselves up with party
8 affiliation.

9 But assume that there's a new sheriff, and that sheriff
10 decides to change command staff. I don't think everybody within
11 the sheriff's department will be subject to being -- I imagine
12 they may be subject to being shifted around, some of them, but I
13 assume a sheriff will -- if a sheriff comes in, he'll have the
14 opportunity to change command staff.

15 How would the change of command staff or the change in
16 sheriff affect some of the policies that either are currently
17 being drafted or that have been drafted?

18 A sheriff may take more of a hands-on approach to dealing
19 with the -- who knows, the jail itself may be the issue that is
20 going to be fundamental in that election, and the sheriff may
21 decide that if I'm elected, and if it's me, I'm going to do this
22 or I'm going to do that. And instead of having resources out
23 there on the ground as deputies, I'm going to place it right here.

24 Would that upend the policies that you all have been
25 working on so vigorously over the last several months? I mean,

1 might his command staff -- his or her command staff decide that
2 maybe that policy needs to be tinkered with?

3 MS. SIMPSON: Your Honor, I would think that that is a
4 possibility and something to be concerned about. Transitions in
5 the sheriff's position or in the County commissioner position
6 could have an impact on how this litigation proceeds in the -- you
7 know, the -- sort of the institutional knowledge that has
8 developed over the last two and a half years would not carry over
9 potentially. So I think it could impact in a lot of ways. I'm
10 not sure what we can do about it, other than try to develop the
11 most solid policies that we can --

12 THE COURT: Okay.

13 MS. SIMPSON: -- and have a good explanation for why they
14 have been developed that way.

15 THE COURT: Okay. Thank you.

16 MS. SIMPSON: And one last thing I would say on the
17 policies and procedures, one of those that's in circulation is the
18 use of force policy, which is really an important policy. It's
19 been a difficult issue in the jail, and so I think the progress
20 that's been made -- it's important that that's one that has been
21 looked at early on and is close to being in final form.

22 THE COURT: Why has the use of force issue been so, I
23 think your words, so difficult?

24 MS. SIMPSON: We in the -- starting last summer, we saw a
25 lot of increase in the use of force, particularly in the use of

1 chemical spray and paint ball guns and tasers, and they have been
2 used in ways that are not appropriate. And so it was important
3 that that policy get addressed quickly because of what we were
4 seeing in the facility.

5 The second of the big three that I've talked about is the
6 facility itself and the poor shape of the facility. And I wanted
7 to read several lines from an incident report that I think kind of
8 pretty graphically discloses the type of problems the facility
9 condition has caused, and this incident report is from April 19th
10 which is when a riot occurred in Raymond Detention Center.

11 THE COURT: April 19, 2019?

12 MS. SIMPSON: Yes.

13 THE COURT: Less than a month ago?

14 MS. SIMPSON: Yes.

15 THE COURT: Okay.

16 MS. SIMPSON: And it's -- there's always the question of
17 what constitutes a riot. It is the term that was used in the
18 incident report, so I used that term. Three of the housing units
19 managed to leave their unit and get into the common area of the
20 pod and were attempting to get into the control room, and so it
21 was out of control for some period of time.

22 And four or five lines from this incident report: The
23 inmates can somehow unlock the cage door. The inmates from A-3,
24 one of the housing units, were the first to jimmy the cage door
25 open. They then forced the exterior door open, which has been

1 broken with the exterior cover off for months. Once they got out,
2 they ran and opened A-2 and A-1. These doors are also broken and
3 have to be opened by hand from the horseshoe. It's part of the
4 common area. All of the doors in A Pod are broken and maintenance
5 is waiting on parts. They then tried to get into A-4, but the
6 inmates in A-4 kept them from getting into their housing unit.

7 The inmates tore down the cameras and exit signs in the
8 horseshoe area. Detention officers had locked themselves in the
9 control room. The inmates were physically pulling on the pod
10 control doors, but the officers were holding them shut. These
11 doors are also broken and can be opened manually from the
12 horseshoe.

13 The inmates then went into the old visitation room. The
14 door is also broken, and pried open the wire-mesh ceiling cage
15 door. They then attempted to -- they got into the ceiling. They
16 attempted to go through the ceiling to get into the control room.
17 They were unable to do that. They went back, and the incident
18 proceeded. It was eventually under control.

19 My point in reading that is that one of the things we've
20 had in our reports over and over and over again has been the doors
21 that are broken and not functioning, and that was definitely an
22 issue in this incident.

23 The good news is that the incident was a catalyst to
24 actually getting the doors fixed. They have now fixed the doors
25 into the Pod A housing area and I believe into the control room of

1 Pod A, and they have a plan and a prototype on how they're going
2 to fix the individual cell doors. So it's good that this is being
3 done. It's unfortunate that it took an incident like that to
4 actually make that happen.

5 And, in fact, we did see -- and this is a cause for
6 encouragement -- really some indication that some of the
7 maintenance problems are, in fact, now being addressed. In this
8 trip we found doors that had been fixed like I described. Doors
9 that were now locked that haven't been locked in the past. Fresh
10 paint on some of the walls.

11 They have a new person assigned to maintenance and
12 security, a captain of maintenance and security. He is keeping a
13 spreadsheet with all of their work orders, so that they can be
14 tracked and followed up on. So I would say that is one area at
15 least now we're seeing some energy and some improvement. It's
16 early, but if that's sustained, I think we can expect to see a
17 real difference at the time of the next site visit.

18 In that regard, they have -- the C Pod has four units, as
19 all the pods do, and they've now emptied two of those units so
20 they can come in and really overhaul those units. They're hoping
21 to empty the other two housing units on C, so that they can do it
22 all at once. And at least what is planned is really a major
23 overhaul in addressing some of the real chronic problems that have
24 existed for the last years.

25 So that appears to be in the works. There's not a

1 specific timetable. They'll have to wait on some parts, but we're
2 hoping certainly by the next visit that that will be an area of
3 improvement.

4 The one area that really has not improved, and, in fact,
5 has probably worsened in the past, is that the staffing is
6 probably about as low as we've seen it. It's been up over 250 at
7 some of the visits. It's down to 229, and it's really at this
8 point impacting all three facilities. Certainly the worst of that
9 is at Raymond, but it really is very low. And not only is the
10 actual field positions low, but there seem to be quite a few
11 people that are out on medical leave, which complicates it quite a
12 bit more.

13 And I think Mr. Parrish on our team will have some more
14 specific impact on the staffing that he saw while there. I would
15 say sort of in this overview that we still see a lot of
16 inmate-on-inmate assaults, in large part because of the lack of
17 staffing. The jail was built to have an officer in each housing
18 unit. With their level of staffing that's not possible, and as a
19 result, the inmates are in those units without oversight, without
20 the needed oversight for quite a bit of time.

21 Most recently, again on the same day as the riot, the
22 incident I had mentioned earlier, there was an inmate-on-inmate
23 assault where the inmate had eight stab wounds and had to go out
24 to the hospital with pretty serious injuries. So -- so that is
25 continuing at a similar pace as before.

1 THE COURT: That was going to be my question. Since the
2 last monitors -- well, since the last visit, do we know the number
3 of inmates who have had to have been hospitalized because of an
4 assault either by another inmate or an assault by an officer?

5 MS. SIMPSON: I don't have it broken down by how many have
6 been hospitalized and how many not. I do keep a log of how many
7 inmate assaults there are, and I make a note as to whether they've
8 gone to the hospital. I'd have to count it up to see how many.

9 One problem -- and I'll talk about this at the end when I
10 talk about some of the administrative matters -- the reporting
11 that we've had during this period has been incomplete, and that's
12 another thing that appears to be about to change in a good way.
13 They have now gotten the capacity to generate an electronic report
14 that should enable it to be done more easily on their side and
15 more complete from our perspective.

16 But we actually did not get the monthly reports for
17 January and February from Raymond Detention Center and the other
18 months in that period have been incomplete, so I do keep a log. I
19 have the ones that I've seen logged in. But I don't -- I don't
20 think for this period that it's complete. But it's still running
21 between 10 and 15, and I think January, I think, was a high of 20
22 inmate-on-inmate assaults. And I mentioned that with the
23 staffing, because that does appear to be directly related to the
24 staffing.

25 I would like to turn it over to my experts and my

1 experts -- my expert on juvenile matters has an earlier plane to
2 catch, so I'd like to have him speak first. He's Jim Moser.

3 MR. MOSER: Thank you, Lisa, and thank you, Judge.

4 THE COURT: You're welcome.

5 MR. MOSER: So, yes, my name is Jim Moser. I've been
6 working in the juvenile justice related field for about 45 years.
7 About 40 of those years in responsibility -- either direct
8 responsibility or administrative responsibility for everything
9 from short-term nonsecure facilities just to long-term
10 institutions for youth, also have done a fair amount of training
11 and publications around best practice in the juvenile justice
12 world. So I'm pleased to be able to come to Hinds County and
13 participate in this.

14 As you know from -- or as you may have seen from the last
15 report, and I think we'll see in this report as well, continued
16 progress at Henley-Young, a lot of the heavy lifting and changes
17 that have been made I think are a result of the work they have
18 done through the agreement with Southern Poverty Law Center, which
19 has been a positive step.

20 The change to taking on the long-term youth was a big
21 change, so I've described it as going from a short-term facility
22 housing some long-term youth to really a long-term
23 facility housing short -- also some short-term youth in other
24 units.

25 THE COURT: So Henley-Young is basically operating sort of

1 like it should --

2 MR. MOSER: Yes.

3 THE COURT: -- because they are complying with the other
4 terms of the settlement agreement, right?

5 MR. MOSER: Yes. I mean, there are some -- there are some
6 parallels and overlaps between that agreement and this agreement,
7 but I'll highlight some of the ones that are either unique to this
8 agreement or areas to still be worked on from our point of view
9 for this agreement.

10 The biggest one, as you probably saw in the last report,
11 is there was still I one, I think, youth at Raymond who aged out.
12 There should no longer be any youth under the age of 18 at any of
13 the adult jails, Jackson, Raymond; that shouldn't happen. They're
14 now dealt with completely by being housed at Henley-Young if need
15 be, so that should be the case from now on. There should be no
16 longer youth at one of those facilities, and that's a huge, big
17 step forward.

18 As that change was made, I sort of described it as taking
19 those long-term kids in as sort of jumping into the deep end of
20 the pool in terms of the changes and the different mindset that
21 has to go on in working with longer-term youth versus short-term
22 youth. And over the past 18 months, I think they've made
23 continued progress, and I would say very impressive progress in a
24 number of areas. So it's generally positive.

25 The most significant change this time around is a

1 significant reduction in the use of room confinement, of isolation
2 for any disciplinary purposes. I think we counted only four
3 instances over the last quarter where a youth was held in a room
4 for discipline for up to 24 hours. That's a very significant
5 reduction from -- in both terms of frequency and duration in terms
6 of any kind of room confinement isolation, significant change, and
7 a very positive change resulting from a lot of different efforts
8 that they've been making.

9 Continued progress in the area of education, both in their
10 delivery of GED program for youth that are appropriate for that as
11 well as sort of increasing the engagement of youth in the regular
12 school program. I think there's a continued evolution forward in
13 their behavior management system, which includes incentive-based
14 approach to encouraging behavior and working with youth behavior.
15 That still has a ways to go, but has really continued to see
16 progress in that.

17 And I think another significant thing that we're hopeful
18 and I look forward to seeing where we are at next time is some
19 changes that are hopefully underway at the court process to speed
20 up some of those early decisions around youth, so that they're not
21 lingering for months and months and months not being indicted or
22 high bonds that are no longer needed. I know I referred to one
23 case, I think the youth was there about 300-something days, and
24 eventually the charges were dismissed. You know, that just
25 shouldn't happen, and under the new procedure that should be

1 resolved much faster.

2 So I wouldn't be surprised to see the total number of
3 youths charged as adults going down. There are 14 today. That
4 number has varied from about that to almost 20 over the course of
5 the last 18 months. But that's a good sign that there's some good
6 management of -- you know, hopefully, some increased management of
7 the timeframe for kids, and, as you know, to have a youth sit
8 there for a year.

9 There is one youth who came early on in September of '17,
10 has now been there about 600 days, significant concern related to
11 their court process.

12 THE COURT: How old is that person now?

13 MR. MOSER: He's now 15.

14 THE COURT: So he's been in --

15 MR. MOSER: He started at 13.

16 THE COURT: And he's -- and he's where?

17 MR. MOSER: He's at Henley-Young. And I'm not sure -- I
18 don't know with the court where he's at court-wise. It's a
19 serious case, but they are all stuck in the same morass of the
20 adult system here that needs a lot of work and, hopefully, can --

21 THE COURT: But I presume at least that child is getting
22 some educational --

23 MR. MOSER: Yes, he's in school.

24 The youth in general seem to have adapted to the routines
25 and the daily programming, and his programming has increased. The

1 number of incidents has gone down. Again, the longer room
2 confinement has gone down. There continue to be some incidents of
3 youth fighting with each other that you might expect, but even
4 that seems to have moderated some more or less quarter. So that's
5 positive.

6 There's a new executive director on board that's joining I
7 think a very strong leadership team with Mr. Burnside and
8 Mr. Dorsey, along with some other folks there. So with the new
9 executive director, I'm looking forward to seeing how that shapes
10 up in the coming months.

11 THE COURT: And the new executive director became
12 necessary because?

13 MR. MOSER: Mr. McDaniel's left to run for office and got
14 elected.

15 THE COURT: Okay.

16 MR. MOSER: So I think he stepped down in -- certainly
17 early summer, if not before, of last year as the campaign began.

18 So areas of concern remain, of course. Probably the
19 biggest at this time is there's been a half-time psychologist,
20 which is a significant addition to the program, provides a range
21 of services that accommodate a number of the conditions of our
22 agreement around programming, around psychological evaluation,
23 around treatment, around leadership for the other mental health
24 team members. Not possible to do on a half-time basis.

25 That person who has been onboard is planning to leave, so

1 continuing to make a strong push for certainly a full-time
2 psychologist treatment director who can have a significant -- play
3 a significant role in a whole range of services there at the
4 facility. And hopefully -- and, hopefully, that can be done
5 fairly expeditiously as well as putting in place some interim plan
6 to provide at least some of that direction. There are good folks,
7 a number of good staff members, folks on the mental health team,
8 youth specialists, a couple of qualified mental health folks.

9 But to really get that organized and moving all in the
10 same direction, needs that leadership, so it's been great to have
11 Dr. Payne. There needs to be -- we just need to get that position
12 filled and full time.

13 Continue to make recommendations or concerns about the
14 physical plant, particularly around the area of programming areas.
15 There are limited spaces for some of the counseling groups,
16 treatment sessions, and even individual sessions. The classroom
17 space is tight. One of the special education classes runs,
18 essentially, out of what was a closet. It's a very confined space
19 for youth to move around in. Some of the incidents of conflict
20 have happened in that space, very tightly confined.

21 I also continue to recommend changes to the living units
22 to improve the acoustics, lower the energy level, make it more
23 comfortable, so that the kids' emotional level is lowered since
24 that's when they tend to act out. So I'll continue to make those
25 recommendations through some remodeling and restructuring,

1 hopefully.

2 I think there's still room to move on training direct
3 supervision staff on preventing incidents from occurring. I think
4 that's happened to a degree, but it's a continuing work in
5 progress to get all staff to be as observant and preventive in
6 their interactions with youth as possible to head off conflicts
7 and misbehavior.

8 But, overall, it's a -- overall, I guess my sense would be
9 if you looked at my reports from the last few times, I think
10 reflect continued progress and, hopefully, just kind of stay the
11 course as it relates to the youth.

12 THE COURT: Thank you, Mr. Moser.

13 MR. MOSER: Sure. Thank you.

14 THE COURT: And you may be excused anytime you wish,
15 Mr. Moser. If there's anything that I have a question about, I'm
16 pretty sure part of the team or somebody will be able to respond.

17 MR. MOSER: Thank you.

18 MS. SIMPSON: I would like to ask my corrections expert,
19 Mr. Dave Parrish, to give his synopsis.

20 MR. PARRISH: Good afternoon, Your Honor.

21 THE COURT: Good afternoon.

22 MR. PARRISH: I'm David Parrish, and I handle the
23 corrections operations aspects of the jail system, just day-to-day
24 jail operations. My background is I did 34 and a half years with
25 the Hillsboro County Sheriff's Office in Tampa, Florida, and the

1 last 27 years of my career there, I was the colonel in charge of
2 the County jail system.

3 During that time up until I retired in 2008, I oversaw the
4 design and construction of 5,000 beds of jail space, all direct
5 supervision. And when I was there, it was all accredited by the
6 American Correctional Association, so we met constitutional
7 standard. And I've been retired since 2008, and now I tend to use
8 my experience there to help out on projects like this.

9 Unfortunately, much of what I have to report on is the --
10 I guess you could say the unsavory part of the reports. I have to
11 look at things from a practical point of view. Can the jail staff
12 actually manage the inmate population with the circumstances that
13 they have there, so the monitor covered the basic things that I'm
14 going to cover. I'd just like to go into a little bit of detail.

15 Basically, the Hinds County jail system is comprised of
16 three jails, one that goes back to 1976 or so when it was built,
17 the Jackson Detention Center; it's an old linear jail. It can't
18 really handle direct supervision. Direct supervision being if
19 this were the unit, there's an officer in charge, and then all the
20 inmates are out and about just like a teacher in a classroom. And
21 that's the way that all the jails are supposed to operate under
22 the terms of the settlement agreement. That's the way the Raymond
23 Detention Center was actually designed, but they gave up on that
24 many, many years ago. So that's what we're trying to get back to.

25 Then you have more traditional confinement space for

1 people that can't cooperate in that kind of environment, and they
2 get locked down. So it's like instant repercussions for your
3 action. Behave, become a part of the operation, or we have an
4 alternative.

5 The work center was actually designed that way, although
6 it was not designed as a direct supervision jail. It really looks
7 more like an old prison dormitory, and at one point half of the
8 people in there were state prisoners. The County doesn't handle
9 them anymore. They've gone back to the State, and it's been
10 subdivided. Instead of two great big dorms, now it's four more
11 manageable dorms of about 64 inmates each.

12 The staff there have not been properly trained in how to
13 operate direct supervision, so at the present time they're
14 overstaffed from my perspective. You should have one person in
15 charge of a direct supervision dorm, and right now because of
16 historical issues, they still have extra staff in there. And
17 that's one place where I think we can help in saving staff for
18 them.

19 The third jail, of course, is the Raymond Detention
20 Center, which is the facility that gets the most attention,
21 because that's where the biggest problems are. And that facility
22 was designed and built in 1995. It was designed for direct
23 supervision, and, apparently, operated that way initially. But
24 for whatever reason, either shortage of staff or administration
25 policy, I don't know what, this is a number of administrations

1 back, the officers were pulled out of the housing units.

2 Well, the bottom line was, then the inmates took over, and
3 they totally destroyed the place. And there was a riot about
4 seven years ago where pod Charlie was totally trashed. They lost
5 the thing completely. The inmates were able to get inside the
6 control room. Destroyed the sprinkler system, everything was
7 gone. That whole pod has since been rebuilt, and as you just
8 heard, pod Charlie is now being rebuilt again just a few years
9 later.

10 I can understand the frustration on the part of the County
11 maintenance staff; we fix it and they tear it up, you know. The
12 problem is the inmates tear it up, because there's nobody there to
13 manage them, no supervisor, no officer in the units, and that's
14 what we have to get back to.

15 Four major issues: staffing, lack of policies and
16 procedures, maintenance issues, and doors that don't work on just
17 an incredible level, and, finally, fire safety, one other issue
18 associated with the maintenance and such.

19 Staffing, as has been indicated, a staffing study was done
20 on what should be available to operate all three jails properly,
21 and it was done by the County and the sheriff's staff and I did it
22 independently. And we came up with about two positions, and it
23 comes down to they need about 433 people to operate everything
24 properly. That's more people than there are in the entire
25 sheriff's office, so that's not something that's viable right now.

1 And so what we've done is look at what can be done on a
2 step-by-step basis.

3 The goal for last year was to have 275 people on board.
4 We haven't come close to that, and, as was reported, we're down to
5 229 right now. And of that 275, only 271 are funded. We've still
6 been asking for the last four to be funded, and that's another
7 issue of how do you get people on board? What can be done?

8 And we've been through a lot of different things, and I
9 think the monitor will cover some more of that later on. And if
10 necessary, I can always come back. But I won't belabor that right
11 now.

12 That's a critical issue. The staffing is too low at each
13 jail. They're able to get by at the Jackson Detention Center and
14 the work center, because their population there is lower than
15 their rated capacity. There are about 1100 beds in the entire
16 jail system, and years ago there used to be over a thousand people
17 in the jail system. Today it's down around 595, thank goodness.
18 They used to book 9- or 10,000 people a year. Right now, they're
19 booking between 6- and 7,000 a year. Those numbers are very
20 encouraging.

21 But they've got about 120, 115 people at the Jackson
22 Detention Center, about 200 at the work center, and about 275 at
23 the Raymond center. Now, the Raymond center technically has about
24 700-plus beds. But so many of them are not usable that -- so it's
25 not even a comparison of what technically they have on board.

1 Okay. So policies and procedures; we have been going
2 around this for two and a half years, and no jail can operate
3 without policies and procedures. The officers don't know what
4 they're supposed to do, so word of mouth orders change from day to
5 day. And that's what we see every time we come back here. We set
6 something in place. We come back the next time, it's not the
7 same. Why? Well, the sergeant said to do -- I would always want
8 to go back to the policy. Well, it doesn't exist, and that's our
9 problem.

10 And you asked about what percentage of them are done, it's
11 a minuscule amount right now. I mean, we are just getting
12 started. And the problem has been that the County or the
13 sheriff's office prepared policies and procedures and post orders
14 initially, but they were totally unsatisfactory and didn't meet
15 the standards at all. So they were set aside.

16 Then there was an effort to go through a local university
17 and then through a private contractor and then finally to where we
18 are today, so that's why we've been going through these various
19 steps to get the job done that should have been addressed
20 immediately.

21 So I like the process that we're going through now. It is
22 productive. It gets people on board with it. It's not just
23 something that's passed down to them and said do this, but it's
24 not fast enough. We're way, way behind the curve there.

25 Maintenance; I came here five years ago at the behest of

1 the Department of Justice to do an analysis of the whole system.
2 And I did that and that preceded what we are involved in now by
3 several years, so I go back to some of the things I saw then and
4 today. There's been incredible progress in certain areas.

5 The Jackson Detention Center reminded me of the Raymond
6 Detention Center when I went through it five years ago under the
7 previous administration. That has totally changed. That's an
8 old, old jail. It's a bad design, but it's neat, clean, well
9 organized. It's smooth; I am really impressed with what's
10 happened there to the point that I stop and take pictures of
11 things like the laundry. I get excited; this is wonderful news.

12 The work center wasn't designed for what we're going to
13 turn it to completely, but it works. And it's a well-run
14 facility, and there's a good commander there now. And they're
15 adopting the principals and dynamics of direct supervision, and
16 that's going to be the model for what we need to do to make the
17 Raymond Detention Center work that way again. So those things are
18 really encouraging.

19 The real downside is there's been so much damage to the
20 structure, particularly at Raymond, that it -- everybody is just
21 totally discouraged. If the doors don't work, the staff finally
22 doesn't even bother closing doors, because that's what the point?
23 Nothing works.

24 And I'm able to just walk into places through multiple
25 security doors that should never happen. And when we say can it

1 be fixed? Well, there's an attempted effort make locally.
2 Unfortunately, and the County maintenance staff are not qualified
3 as corrections security maintenance personnel.

4 And the good news is that since we were last here, they
5 found a firm in Texas that is proficient. They brought them in,
6 and they repaired those broken control room doors and unit doors.
7 And I'm really impressed with what they've done. Now, it's the
8 first time I've seen quality work on something like that, so I
9 have great hopes if the County can adopt that and expand it
10 throughout the rest of the building, they can take charge of it
11 again.

12 Then when you go to reopen those units, an officer has to
13 be put inside so it's not just trashed again, and we need to then
14 go back to direct supervision. That falls back on staffing. We
15 have to have enough staff on board to put an officer inside each
16 housing unit 24 hours a day, seven days a week, as originally
17 designed in order to make it work.

18 THE COURT: With respect to staffing and I'm -- well, the
19 understaffing has contributed to some maintenance issues.

20 MR. PARRISH: Oh, absolutely.

21 THE COURT: We agree with that, right?

22 MR. PARRISH: Absolutely, yes, sir.

23 THE COURT: As I read the report, describe a pod for me.
24 It contains how many units?

25 MR. PARRISH: Four units. There are three pods at the

1 Raymond Detention Center: Alpha, Bravo, and Charlie. Each of
2 them has about 250 beds total. And you go down what they call
3 "the great hall." It's a main corridor. There's a security door
4 that goes out to each of those three pods. In each pod, there's a
5 control room in the center, then there are four units of about 60
6 inmates each, and then two what we call "iso units." They are
7 four-person cells or four cell units for specialty types of
8 inmates, and each one is laid out like that.

9 THE COURT: Right. And each unit is supposed to have how
10 many officers?

11 MR. PARRISH: One officer in it 24 hours a day all the
12 time.

13 THE COURT: Okay.

14 MR. PARRISH: And right now none of them have anybody
15 inside. Haven't had them for years, so none of the units are
16 staffed.

17 THE COURT: None of the units are staffed, so the only
18 staffing then becomes the one or two officers --

19 MR. PARRISH: You'll have an officer inside the control
20 room and then what staff refers to as "the horseshoe." It's the
21 corridor that goes around the control room that then goes into the
22 four units. And I refer to them as escort officers, but anyway.

23 Many times I'll go in, and there's one person for all four
24 units. Sometimes there's two. I've gone in on occasion and
25 there's nobody, there's only a control room officer. The staffing

1 is critical in that facility. It's beyond below critical.

2 THE COURT: Right. And if there is no officer within any
3 of the units, I assume that one person in the control room, all
4 the persons have to do is take control of the control room, right?

5 MR. PARRISH: Well, the control room has been better
6 secured than it was originally. You used to be able to go in up
7 through the ceiling and come down inside it. You know, it was
8 just a bad design.

9 But the problem is that the inmates can pop open their
10 cell doors, so then you have two doors, a cage door that was
11 retrofitted, and then the sliding door that gets you into the
12 unit, so this unit of 60. The last time I was here in our exit
13 briefing I passed along this concern. I said in the past I used
14 to worry that we couldn't keep the inmates in their cells. I said
15 now I'm more concerned you can't keep them inside the housing
16 units, and the incident on April the 19th proved it absolutely,
17 had over 100 inmates out trying to tear the place apart, able to
18 pull open doors by hand, push their way out, that's just
19 incomprehensible in a jail. It shouldn't be.

20 And the maintenance that's been done since then is one of
21 the most positive things I've seen. I just hope that that gets
22 expanded to the entire place.

23 Fire safety; last thing I have to say really is when the
24 Raymond Detention Center was torn apart during the riot about
25 seven years ago, the inmates tore out sprinklers. I didn't think

1 there ever were any, but the fire safety officer explained to me
2 that the sprinkler pipes up in the ceiling were -- the inmates
3 tore them up, flooded the whole place, so at that time, they
4 pulled everything out of the jail. So there was no sprinkler
5 system in the jail anymore.

6 The fire hoses that used to be inside the housing units
7 were all pulled out, because the inmates could tear them up. Just
8 any of the normal fire safety issues, suppression issues that you
9 would expect in a public building, certainly in a place that holds
10 hundreds of people, do not exist, and that's dangerous for the
11 staff and for the inmates alike. And that's something that really
12 needs to be addressed.

13 I'm going to be trying to get together with the fire
14 marshal, because I have a little difficulty understanding some of
15 the things that I see in those reports right now. So that's a big
16 life safety issue. There's nothing worse than a fire in a jail.
17 It can be devastating.

18 And the last -- excuse me. I misspoke, one last thing.
19 The County and the sheriff's office have worked hard to try and
20 address problems. Part of the frustrations from I guess our
21 perspective is that they seem to move forward a little bit here,
22 and then change gears and go over here. And it would be great if
23 we could settle on this is what we're going to do to address
24 problems with regards to the facilities.

25 Will we shutdown the Jackson Detention Center and turn it

1 into a court holding place? That's one thing that's been
2 considered, but nothing's happened. Will we expand the work
3 center?

4 THE COURT: When you say shut -- when you say make the
5 Jackson facility a court holding place, presumably, those persons
6 who are coming up for a court proceeding in a matter of days or
7 weeks, will be housed at Jackson?

8 MR. PARRISH: There are no holding cells for the
9 courtrooms, and, therefore, they use the Jackson Detention Center
10 as a place to hold people as they go to court each day, and then
11 they go back to their facilities.

12 And we just said, the Jackson facility is labor-intensive,
13 and it's old. And it's never going to meet the standards of
14 direct supervision. Maybe one thing to consider -- I'm not going
15 to stand here and advocate one over the other. I'm just pointing
16 out examples of things that have been considered.

17 But the idea was just expand the holding area down below,
18 and that way people would move in and out. It would only be
19 operated during the day Monday through Friday taking people to and
20 from court.

21 If you shut down a whole facility like that, you save
22 staff, you can expand the work center maybe and hold female
23 inmates there or other things. In other words, consolidate the
24 jail system. That was one thing that has been considered, but
25 there's been no decision one way or the other. I'm not saying

1 what's the right thing. I'm just saying that it's one of many
2 things that's been considered. We've looked at the work center,
3 could that be expanded to make it a larger jail, because it's
4 efficient. It's all on one level, and it seems to be well-suited
5 for direct supervision.

6 We looked at the Raymond center. Should it be just
7 closed? Is it beyond repair, or should something else be added on
8 to it? There have been plans that were being developed to
9 completely redo the booking area, expand the work center, then
10 that stopped.

11 All I'm saying is that I got to give them credit for
12 looking at lots of alternatives. We need all the decision-makers
13 together to move forward in one direction and settle on something
14 and make some permanent fixes happen. That's just from my
15 perspective, sir.

16 THE COURT: You mentioned a minuscule amount of policies
17 and procedures that are in place. You heard the question I asked
18 Ms. Simpson.

19 How reticent or useful might it be to try to get policies
20 and procedures approved through -- right now in this volatile time
21 of either campaign season, whether it may be people thinking that
22 there may be some transition, people are slow to move on anything
23 right now?

24 MR. PARRISH: I think that what they have done is probably
25 the best thing. There are some things that you just do what you

1 can. And, by and large, they've taken the policies that they
2 drafted up, which were not acceptable, and put them in place. And
3 said, look, here at least you've got something. It's not perfect.
4 It doesn't meet DOJ standards, the monitor hasn't signed off, but
5 at least you've got something here as opposed to just you know --

6 THE COURT: Nothing.

7 MR. PARRISH: -- you know, go by ear. You know, just wing
8 it. So we're getting the important ones done first, getting them
9 through the front door. How do you handle use of force and things
10 like that? But as far as, like, in my system, mine was a lot
11 bigger. I had two books that tallied up this thick, and they're
12 not going to have anything that big by the time we're done here.
13 But, I mean, we're only talking about a handful of policies that
14 have been actually processed so far. The vast majority of them
15 still have to be done.

16 THE COURT: And what, other than outside approval by DOJ
17 and the monitors, what inside approval is needed on any of these?

18 MR. PARRISH: The sheriff's office is processing things.
19 The problem is getting the people together to think through how do
20 you want your jail to operate? What should it cover? And then
21 getting that developed for review, but I don't find the hold up
22 within the sheriff's office by any means.

23 And DOJ and the monitor are -- we'll have conference
24 calls. We'll do whatever, send e-mails. Everybody's moving
25 forward.

1 The problem is that in order to get something that's
2 worthwhile, you need input from the people that are going to have
3 to do the job. Instead of just handing them, here this is what
4 you do, and they don't understand or that doesn't work here. So I
5 like the process we're finally getting to. It's just been
6 tedious. Thank you, sir.

7 THE COURT: All right. Thank you, Mr. Parrish.

8 MS. SIMPSON: I want to make sure that we do mention all
9 the positive things, so I want to add one thing to what
10 Mr. Parrish said.

11 One thing that did happen in this last time period is the
12 National Institute of Corrections came in and did a training
13 session for the upper-level staff on direct supervision in
14 preparation for really moving towards the best practice of using
15 direct supervision. National Institute of Corrections will be
16 back on site in July I understand to do a similar training with
17 the officers the next level down, so they are utilizing the
18 opportunity that the National Institute of Corrections offered to
19 do that direct supervision training. And it appears to be
20 received very positively on site. There's a lot of enthusiasm
21 around it.

22 So as has been mentioned, it does require a significant
23 number of staff to be able to operate as a direct supervision
24 facility, so that has yet to be achieved. But they are getting
25 the training.

1 And following up on Dave's last comment about sort of
2 making decisions about the long-term plan. One thing that a
3 number of facilities or jurisdictions do is they go through a
4 master planning process, and there are consultants out there that
5 are there to do exactly that. It is a broad-ranging project,
6 because it's not just, you know, what condition is this facility
7 in, what are the practices. You also have to look at the
8 economics of it, you know, the costs of building new or
9 renovating, the cost of transportation if you build far out, so
10 it's a big undertaking. But it is very useful in making what I
11 think here is a particularly tough decision, because there are
12 three facilities. Some benefits to each one, definitely some
13 downside to each one, and so all of that has to be weighed very
14 heavily. And building a new jail, as probably everybody knows, is
15 extremely costly and takes quite a bit of time.

16 So those are tough decisions, and typically a community
17 would have a master planner specific to corrections that would
18 help them through that process. But I want --

19 THE COURT: Has -- and I'm going to ask the County this.
20 But has your team come up with what it's costing Hinds County each
21 day to house the number of prisoners that they are?

22 For example, you said somebody's been there over a
23 thousand days. It costs money to have somebody in there a
24 thousand days, and on the average people being there more than
25 50 days as opposed to 22 days. Is there a per dollar -- is there

1 a per prisoner amount that we're spending each day on each -- I
2 assume the County has that figure. It seems that somebody has
3 that figure because of budgeting principles, so what do we know
4 the County is spending each day on each inmate?

5 MS. SIMPSON: I don't believe that that figure is actually
6 known. We have not had the financial information to calculate
7 that. My impression is that it will be difficult here because a
8 lot of the -- it will take quite a bit of time, and I think
9 Ms. Davis has actually been working on it. She's shaking her
10 head.

11 But here a lot of the costs are in different pots, so the
12 County directly contracts with, for example, the medical provider,
13 and the County directly contracts with some of the other services
14 that are actually at the jail. And then the -- some of the
15 services, such as IT, the technology and investigations are
16 actually within the sheriff's general budget and not in the jail
17 budget.

18 So all of that will have to be identified and pulled out
19 to figure out exactly what the true jail budget is before a per
20 bed day can be calculated. I understand from Mr. Teeuwissen that
21 the State recently did a calculation for state inmate beds. It
22 seems a bit low.

23 THE COURT: Well, the only reason why I ask is, for
24 example, if somebody is in there a thousand days, needs
25 psychiatric mental health treatment, the County is responsible for

1 that. But if that person has been through a trial process,
2 through guilty plea or otherwise, once that person is -- has
3 crossed that bridge, that then becomes the responsibility of the
4 Mississippi Department of Corrections, and the County is relieved
5 of that obligation I think.

6 MS. SIMPSON: Yes.

7 THE COURT: It's the same way we have over here. As long
8 as somebody's in pretrial detention, it's the burden of the United
9 States Marshal to make sure they are adequately housed, you know,
10 make sure they got everything in place, including all medical
11 treatment. Which the inmate who is stabbed eight times, for
12 example, when he goes to the hospital, he or she -- these are all
13 male prisoners?

14 MS. SIMPSON: In Raymond Detention Center, that's correct.

15 THE COURT: Okay. And he goes to the hospital, whatever
16 expenses that inmate incurs, including security as I take it --

17 MS. SIMPSON: Yeah.

18 THE COURT: -- is borne by the County. Now, if we don't
19 know how much the County is spending on each of these prisoners on
20 a daily or monthly basis, then --

21 MS. SIMPSON: It's hard to make those tough decisions --

22 THE COURT: It is.

23 MS. SIMPSON: -- without having all the information.

24 And adding to that, whatever that figure turns out to be,
25 now it's based on a facility that's understaffed, so one would

1 have to look also at what the cost would be if it were run
2 adequately with adequate staff. So that would bump it up even
3 more.

4 THE COURT: Okay. I think you wanted to say something
5 before I cut across you. I'm sorry.

6 MS. SIMPSON: That might have been it.

7 THE COURT: Okay.

8 MS. SIMPSON: I lost my train of thought.

9 THE COURT: Okay. Do you want to --

10 MS. SIMPSON: I would like to introduce my mental health
11 expert, Dr. Richard Dudley.

12 MR. DUDLEY: Good afternoon, Your Honor.

13 THE COURT: Good afternoon.

14 MR. DUDLEY: My background is shorter than the rest. I
15 had been the deputy commissioner for mental health, mental
16 retardation, and alcoholism services in the city of New York.
17 Among my program responsibilities were the health and mental
18 health services at Rikers Island and other New York City jail
19 facilities.

20 When I left that position, I went into practice where I
21 had a private practice and a forensic practice going in and out of
22 jails and prisons a lot as a forensic expert, and then continued
23 to consult with the juvenile detention programs and the adult
24 corrections programs in the city, both from the standpoint of
25 mental health program design and development, and even more so

1 from the standpoint of training of mental health professionals who
2 worked in those facilities and security staff who were receiving
3 extra training in mental health services.

4 I went on to be a commissioner, a national commissioner on
5 safety and abuse in America's prisons, where we looked a lot at
6 health and mental health services and helped to write the mental
7 health sections of the PREA guidelines and other activities like
8 that.

9 From the standpoint of what's happened since our last
10 visit, with regard to staffing --

11 THE COURT: Did you turn off the microphone?

12 MR. DUDLEY: No.

13 THE COURT: Did you bump it? Is the green light on?

14 MR. DUDLEY: No. Now it is.

15 THE COURT: Okay.

16 MR. DUDLEY: The -- on the health side, the physical
17 health side, the staffing looks pretty good. On the mental health
18 side, you may have remembered from the last report we had a
19 serious concern about the psychiatric coverage, and that there was
20 a proposal to change that and that has been accomplished since our
21 last visit. We now have much more time available through a
22 Dr. Bell, a psychiatric nurse clinician, and her collaborator, so
23 that the availability of those services at all three facilities is
24 significantly increased. And I believe the quality of it has
25 significantly improved as well.

1 On the other hand, QCHC has had a proposal in to the
2 County for some time to be able to expand a mental health staff by
3 two staff positions, and at least as of this week, they haven't
4 heard back anything about whether that's going to be approved or
5 negotiated or whatever. So that's still an important concern, at
6 least from my point of view.

7 Over a third of the population at the three facilities are
8 on the mental health caseload, and so that's a significant number
9 of people in three different facilities. So the staff have to
10 travel around to these three different facilities to provide
11 mental health services to this population, and we just don't have
12 enough qualified mental health professionals.

13 THE COURT: Do we know what percentage of that percentage
14 is people pretrial versus posttrial?

15 Because I think I heard Ms. Simpson say that some people
16 are awaiting to be transferred to what we call Whitfield, I
17 assume, or either East Mississippi Central Facility that generally
18 house most of the State's mental health prisoners. So I assume
19 they have no more beds there, and that they're being held here for
20 placement into what I assume would be Whitfield. It may be some
21 other place; I don't know.

22 MR. DUDLEY: Yeah.

23 MR. TEEUWISSEN: They're all pretrial. We are getting
24 individuals who belong to the State, we're getting them out within
25 30 days. The problem is pretrial mental health services and beds.

1 THE COURT: Okay. Thank you.

2 MR. DUDLEY: So virtually all of them.

3 THE COURT: All right.

4 MR. DUDLEY: The -- and, you know, of that number the vast
5 majority of them, like about 90 percent, are seriously mentally
6 ill and on medication and the whole routine. So the ability to
7 provide services to that number of people in three different
8 facilities, we just don't have enough mental health staff to do
9 that.

10 THE COURT: And Mr. Teeuwissen could probably answer this
11 question. Do we know if these are people who have been charged or
12 arrested and indicted for certain crimes vis-à-vis those who have
13 gone through the Chancery Court process?

14 When they go through the Chancery Court process and are
15 deemed to not being able to take -- being committed, are they then
16 turned over to the County, or are y'all housing anybody through
17 the Chancery Court process, Mr. Teeuwissen, is what I'm asking?

18 MR. TEEUWISSEN: I don't believe we have anybody else like
19 that, Your Honor. These are all individuals charged with felonies
20 who also have severe mental illness.

21 THE COURT: Okay. Thank you.

22 MR. DUDLEY: That's my impression.

23 THE COURT: Okay. All right.

24 MR. DUDLEY: With regard to program development with the
25 mental health services, that's begun to move with regard to

1 expanding the range of services. Take into consideration what you
2 were discussing earlier in this conference about, you know, what's
3 the kind of appropriate types of services to provide to a jail
4 population where you anticipate their moving on to another place?

5 So kind of we've been -- certainly one of my focuses has
6 been on helping them look at what kinds of services would be
7 appropriate for that, whether it's towards discharge and release
8 planning and referral to services in the community and/or programs
9 designed to look at -- help inmates look at their behavior, so
10 they don't come back. And what kinds of things that they can
11 do -- what kind of interventions can be done to help them in that
12 regard?

13 So the design of those programs in the beginning to
14 implement those programs is well underway. Obviously, we'll be
15 able to really kind of realize that if we can address the staffing
16 problem and have the adequate number of staff to do that.

17 The -- you've heard about the renovation of the C Pod, and
18 that one of the units in that pod C-1 is being considered as a
19 space to actually have a mental health unit for some of the more
20 seriously ill inmates. And we spent some time during this visit
21 looking at exactly what the renovation of that unit should look
22 like to be appropriate for use in that purpose, so clearly there's
23 a focus on at least the physical space for a mental health unit.

24 Obviously, the implementation of such a unit and staffing
25 it and programming, it is tied up in the first two issues that I'm

1 raising.

2 THE COURT: Mental illness can -- it's a range of things:
3 paranoid schizophrenic to, you know, just anything else, I guess.
4 Some people can be severely mentally ill, and it might call for
5 either -- either more monitoring, more supervision, or more -- I
6 don't know if it might call for physical restraints.

7 But aren't those all concerns, too, the types of mental
8 health illnesses these people might be suffering from?

9 I mean --

10 MR. DUDLEY: Well, traditionally in -- you know, in
11 this -- in this area of kind of prison mental health services,
12 there is a distinction made between what they call the seriously
13 mentally ill, the SMI, and then there's the other individuals who
14 may be on the mental health caseload who don't fit that
15 definition.

16 So the seriously mentally ill I think is what you're
17 referring to. Those with schizophrenia, major mood disorders,
18 bipolar, who most of them are on medication. Most of them have
19 much more difficulty managing their behavior, and many of them
20 without the kind of treatment they're receiving have a difficult
21 time having some real sense of reality that they're remaining in
22 touch with. Their behavior is driven often by delusions or other
23 things like that if they're not getting treatment.

24 So clearly this mental health unit would be designed for
25 the more seriously mentally ill, particularly when they come in

1 acutely ill, which is often the case. So it would be a place
2 where they could be stabilized. It would also be a unit for
3 people who have chronic conditions that render them particularly
4 vulnerable to victimization on another unit, the inability to take
5 care of themselves on another unit, and so they may be on a
6 special mental health unit as well.

7 Certainly part of what we focused on during this visit was
8 now that they're thinking of the design of a physical space
9 specifically for this population, not only have we talked about
10 what would the programming be, everything from what's the mental
11 health staff programming going to be, what would be the special
12 training for corrections officers who would work on that unit,
13 additional training so that they would know how to better manage
14 people who are seriously mentally ill.

15 But we also talked about what would be the criteria, the
16 admission criteria, for inmates. You know, how ill do you have to
17 be to get on this special unit? So we've been looking at all of
18 those since the last visit.

19 THE COURT: And how do you typically -- how does the
20 County typically identify those who are in need of mental health
21 treatment?

22 I guess there might be some record taken by the arresting
23 authorities or the -- or either the Court? I mean, when do we
24 first learn that somebody might need some sort of mental health
25 treatment? Is it based on what they might tell someone in intake

1 or what?

2 MR. DUDLEY: Well, there's a variety of things that
3 happen. I think, first and foremost, they're just -- I think
4 because of the -- a combination of we haven't had an effective
5 discharge release program, and, you know, people fall through the
6 gaps. They don't follow-up through ambulatory services when
7 they're released. We have a considerable recidivism rate amongst
8 people who are mentally ill.

9 So issue number one is they walk in the door and they go,
10 oh, hi, we've seen you again. We already know you, and we know
11 you have this mental health history simply because you've been
12 here before.

13 Second, then there's a screening that's done, you know,
14 right after the booking process and where people have an
15 opportunity to report a history of mental health treatment or
16 hospitalizations or being on psychiatric medications. They're
17 also screened for some of the more severe symptoms, and then
18 following that, there's a full mental health evaluation.

19 So even if they don't have a prior history of mental
20 health treatment, that could be picked up during the process of
21 this initial intake evaluation. So when you're talking about what
22 would be the criteria to get on a special mental health unit, it
23 would be a combination of what their history is and what's known
24 about them with regard to suffering from a serious mental health
25 difficulty combined with their mental state when they come in.

1 Because, clearly, we would want to make sure that the unit is
2 capable of accepting people who still need to be stabilized who
3 come in symptomatic.

4 Is that responsive? Oh, okay.

5 THE COURT: No. You can -- no, thank you. I mean, go
6 ahead.

7 MR. DUDLEY: The -- I guess the third issue I want to
8 raise is that we still have work to do with regard to the
9 interface between security and health and mental health services.
10 You know, despite the fact that the health and mental health
11 services are contracted out to a body outside of corrections,
12 obviously, they all have to work together in -- in order to
13 provide, you know, kind of safety in any sort of real way within
14 the prison system. Not only safety for the individuals and the
15 healthiest status for the inmates that are there, but for safety
16 for the staff as well. And so a fuller working relationship and
17 integrative relationship between security and the health and
18 mental health services is still a goal that we're working towards.

19 The policies and procedures issue that you've heard about
20 already, in part, reflects that. Some of the policies and
21 procedures that are still outstanding address some of this
22 interface between security and the health and mental health
23 services. So things like the disciplinary policies, when do --
24 who do you have to take into consideration an individual's mental
25 health when looking at disciplinary issues and kneading out

1 punishment for disciplinary problems.

2 The segregation policies as it relates to the use of
3 segregation for individuals who are mentally ill, the monitoring
4 of people in segregation with regard to their mental status and
5 their physical health status, so some of the policies and
6 procedures that are outstanding come right into this area of the
7 integration between health, mental health, and security, and so
8 those are issues yet to be addressed.

9 Certainly the development of clear policies and procedures
10 in this area will help address that interface, but the kind of
11 working relationship that's required to adequately do so is really
12 the larger issue that I'm trying to raise here. This comes up
13 even as it relates to kind of discharge planning, which is so
14 critical, particularly for the mentally ill. You know, adequate
15 preparation for discharge and discharge planning and referral to
16 ambulatory services, and without a good program, you're just going
17 to continue to have this revolving door of mentally ill people who
18 come in, get stabilized, leave, fall apart, get in trouble, and
19 come back again.

20 Just as a comment on the question that you've asked now
21 each of us about policies and procedures, I think from my point of
22 view that a lot of what goes into the policies themselves are
23 really a combination of some laws and legal standards and
24 standards of practice that are pretty much fixed no matter who's
25 administering the system.

1 What changes somewhat are the procedures, I mean, how you
2 actually play that out in your particular facility in light of
3 whatever the unique needs or situations may be at your particular
4 facility. And sometimes even under the same administration, those
5 conditions change requiring tweaks and changes in the policies,
6 you know, whether you have a new administration or not.

7 So I would expect some stability as it relates to what is
8 the standard of practice, what are the laws that govern some of
9 these things, and what are the other standards?

10 So, for example, you're talking about health and health
11 policies and mental health policies, you know, there are laws that
12 govern, you know, medication or the forced use of medication and
13 things like this that are going to stay the same. It's just that
14 how you're going to play them out procedurally may change, and
15 that's subject to change at any time.

16 THE COURT: Okay. Well, thank you, Mr. Dudley.
17 Appreciate you.

18 MS. SIMPSON: Thank you, Judge. I wanted to follow-up on
19 one item from the last discussion and then just wrap up with some
20 of the more administrative sides that we look at.

21 You had asked about whether the people waiting for the
22 state hospital beds are pretrial, and they all are to some extent.
23 There's a small number -- and I've had trouble wrapping my head
24 around how the competency process works here in this state, but
25 there's a small number who have pending charges. They're found

1 incompetent and nonrestorable. At that point, the -- it's my
2 understanding that their charges are remanded, and the jail staff
3 actually approach what's called "lunacy court" to have them
4 committed.

5 And then if they are committed, they continue to stay in
6 the jail until a bed is available. I don't fully understand that
7 process. I understand that the charges are remanded, so they're
8 not currently active charges against them. It's my understanding
9 that the commitment is a civil commitment, but they're waiting for
10 forensic beds which are very -- there's a very small number of
11 those, so they can wait for a very long time.

12 It's also my understanding that it's a civil commitment,
13 so I don't know what the legal basis is to continue holding them
14 in jail. So there are a small number that are in that status that
15 are present in the jail.

16 The couple -- the administrative things I wanted to
17 follow-up on, I spoke briefly about the reporting. There are a
18 number of provisions in the settlement agreement that require
19 monthly reporting, and they also have some standards for the
20 internal investigation reports and incident reports. This has
21 been a difficult area. We've worked with IT in the County and not
22 been able to get to where that reporting could be accomplished.

23 We seem to have had a breakthrough in the last couple of
24 months, and they have made revisions to the incident report form,
25 including some of the fields that needed to be included. And also

1 as I had mentioned before, they're now able to generate electronic
2 reports, which should result in getting complete monthly summaries
3 that meet the requirements of the settlement agreement. So I'm
4 looking forward to when we actually start getting those. But
5 we've seen one that's been generated, and it looks like it's going
6 to be a very good thing.

7 Another administrative area is records. One of the
8 problems that was addressed in the settlement agreement was the
9 difficult situation of the records. There were many inmates that
10 did not have documentation supporting their incarceration in their
11 records files. Many of those weren't actually legally
12 incarcerated, because the documentation didn't exist. In other
13 cases, it existed but it wasn't in the files.

14 There were quite a bit of problems with that in the past,
15 and typically I found a number of individuals that were
16 incarcerated beyond their appropriate length of stay. That seems
17 to be much improved. The records policy has been promulgated. It
18 involves sort of going through and standardizing the files and
19 sort of setting up a tracking system and doing audits. All of
20 that is being done.

21 There was one individual that was held quite a bit beyond
22 his length of stay. It really arose from what has been a more
23 chronic problem in the past where they would accept somebody for
24 booking that actually -- where the police officer would say, "I'll
25 get you the documentation tomorrow," but it didn't come and it

1 didn't come and the person stayed in jail.

2 This over-incarceration did seem to arise from that
3 situation. It was rectified. It's not a common scenario anymore
4 whereas it used to be in the past.

5 There also were some shorter overstays involving probation
6 violations and the 48-hour hearing, and that seems to have been
7 resolved with some very good tracking and record-keeping. There
8 are still problems. There are files that don't have the
9 underlying paperwork, but if you get on the court database you can
10 find it. But that should be in the files themselves and should be
11 in their database system.

12 There are some things that are entered in different ways,
13 so you can't run reports that automatically track people. But
14 they do seem to be working on it, and it does seem to be improved.

15 Classification had been a problem recently. The
16 settlement agreement requires objective behavior-based
17 classification, which is sort of standard. And the alternative is
18 an older version of sort of charge-based classification. You get
19 classified based on whatever you're charged with and not how
20 dangerous you may actually be.

21 And they were moving towards objective behavior based.
22 They kind of moved back. They now seem to be moving back towards
23 behavior based. There was a period of time when it wasn't. An
24 audit done by another member of the monitoring team found that I
25 believe it was 30 out of 35 classification files were actually

1 incorrect, so it was a high number. But there seems to be an
2 activity now to go back through and correct -- go back through all
3 the classification files, correct them, and to make sure they're
4 correct moving forward. So in the recent months, it did not look
5 good, but the current activity seems to be moving in the right
6 direction.

7 Lastly, in the area of PREA, the Prison Rape Elimination
8 Act, there continues to be some improvement. There -- there needs
9 to be some training of the PREA officer and the investigation
10 officers on PREA investigations; that needs some improvement.

11 The other thing, and this is probably most troubling, is
12 that the PREA officer was doing some orientation and education of
13 the inmates in the three facilities. She wasn't able to do that
14 for a while because of a lack of equipment. The equipment is
15 there. She is not doing it now in RDC, because she does not feel
16 safe going back into the units. So somehow there needs to be --
17 obviously, the best result is that the safety and security get to
18 the point where she would feel safe going to the units. But until
19 then, there needs to be a process for providing that orientation
20 and education to the inmates on what PREA is and how to report and
21 things of that sort.

22 But there generally has been quite a bit of improvement in
23 the area of PREA, certainly since we started, and that's one
24 policy that I believe is about to be circulated. So we should see
25 some standardization there as well.

1 And I didn't mention grievances. There's improvement
2 there as well. The system is still problematic, but I think the
3 staff appears to have figured out how to go back in and make sure
4 they're answering grievances. A lot of grievances were falling
5 off the dashboard and not being responded to, so inmates weren't
6 getting any response in a pretty high percentage of cases. It
7 appears the staff has figured that out.

8 When we ran the report this time, there were very few that
9 came up in that non-responded-to category. There is a need to
10 drill down now at this point to look at how the grievances are
11 being responded to and to provide some guidance and training on
12 what constitutes an adequate response to the grievances. So that
13 is the area of grievances, and that -- that covers the
14 administrative items that I wanted to close out with. And I'm
15 happy to answer any questions you have on those or anything else
16 that's been discussed.

17 THE COURT: Let me just ask this simple question. You've
18 identified three problem areas: policies and procedures,
19 staffing, and the facility itself. And, obviously, it appears to
20 me when you look at all three of them in the subparts of each, it
21 looks as if you just cannot make any headway on anything. And I
22 think there's a -- I think it's an African proverb. You know, if
23 you've got to eat an elephant, you eat it one bite at a time -- or
24 how do you eat an elephant? One bite at a time, I think it is.

25 And it seems like all of these are interrelated actually,

1 so if you commit to doing one, such as staffing, get all your
2 staffing in place. Those staff members could work to get all the
3 policies and procedures in place. Staff members reduce the
4 possibility that the facility will be dis-maintained, if you will,
5 or will -- that maintenance will be less of an issue, because the
6 inmates will probably be -- or not inmates, because they're not
7 prisoners. Those being held in custody could be deterred or less
8 likely to damage the property or destroy the property.

9 Have there been any talks among you with the County or
10 with the sheriff as far as what they might take up as a priority?

11 MS. SIMPSON: Well, the first three, or the big three as I
12 call them, are interrelated. And, really, they -- I mean, they're
13 sort of chicken and the egg. I think the difficulty -- or the
14 facility condition certainly makes it difficult to retain staff,
15 and the lack of sufficient staff have resulted in the facility's
16 deterioration. So they really go hand in hand, and I think
17 probably have to be addressed at the same time or if you fail to
18 do one, you're just going to cause yourself problems in the other.

19 We have made some recommendations with respect to both of
20 those areas. Staffing seems to be the most challenging area. The
21 County did raise the base salary for the incoming corrections
22 officers, and we saw a bump in the staffing level after that.

23 Retention appears to be perhaps a bigger problem than
24 recruitment, although they're both difficult areas. One of the
25 things we have recommended is establishing a step increase, so

1 that there's some financial incentive to stay on. I think there
2 has been difficulty in training the staff, incoming staff, so that
3 they feel comfortable in their positions.

4 And, obviously, the fact that it's understaffed makes it
5 difficult for new staff coming on board. It makes it more
6 dangerous and such. So another possibility Mr. Parrish mentioned,
7 to the extent possible consolidating the population so that the
8 staff that does -- that is there can be sort of consolidated as
9 well, so there's better staffing levels in a smaller space.

10 And that goes back somewhat to having a master plan and
11 sort of knowing what your end game is, so that you know whether to
12 fix up C Pod so that it can be used in the short term, or are you
13 going to build a new jail or add a new unit? And so having that
14 sort of master plan so that you can target your renovations and
15 your staffing based on what your long-term plan is.

16 Another -- another possibility, but this involves expense
17 as well, is to purchase out-of-county beds for part of your
18 population, so that you bring your population down to what can be
19 managed by the current staffing level. That, obviously, has an
20 expense associated with it. But it's another way of --

21 THE COURT: When you say "purchase out," you mean contract
22 them to other counties?

23 MS. SIMPSON: Yes. Yes. So that's another way, and I'll
24 defer to my corrections expert if he has other ideas. We've
25 certainly made recommendations in that area. I don't have them

1 all in front of me but --

2 THE COURT: Let me ask you this, going back to the problem
3 that I foresee on the front end that I raised at the beginning
4 with respect to the processing people through the criminal justice
5 process, I think -- I know the note that the report indicates that
6 there is a -- and I might have the acronym or even the name
7 incorrect -- but there's some sort of committee, criminal justice
8 something committee in place?

9 MS. SIMPSON: Yes.

10 THE COURT: How active has that committee been?

11 Because I presume that these issues have been taken to
12 that committee that is composed of, I think, judges, mental health
13 people, the prosecutor's office, the public defender's office, and
14 other interested parties.

15 What, if anything, it -- what has that committee done?

16 MS. SIMPSON: Your Honor, that's the Criminal Justice
17 Coordinating Council or committee, the CJCC, and all of those
18 individuals you mentioned are officially members of the committee.
19 However, we certainly have had it reported that not all of them
20 participate actively, and both Ms. Davis and Synarus Green, who
21 are in the courtroom, are participants in that process and could
22 give more detail.

23 But I believe the district attorney has not been a regular
24 attendee or participant. I think some of the courts -- not -- the
25 circuit court has had regular attendance and participation. In

1 fact, Judge Green is the chair of that committee, but not all of
2 the other courts within the County have been regular attendees or
3 participants. So that -- but I will say it's new. It's a
4 process. I've seen CJCCs developed in other jurisdictions, and it
5 sometimes takes time and takes a few achievements before everybody
6 sees the benefit of having them. But, yes, I think the
7 participation has been a bit of a disappointment.

8 THE COURT: Okay. All right. Thank you, Ms. Simpson.
9 Thank you so very much. I'm going to take a 15-minute break for
10 my court reporter. In between the United States and the
11 defendants, you all can work among yourselves as to whose going to
12 be next. I'll let you all decide whose next, and we'll be back
13 after then. 15 minutes.

14 MS. SUMMERS: All rise.

15 (A brief recess was taken.)

16 THE COURT: You all may be seated. I gave the parties an
17 opportunity to tell me how they wish to proceed. Have you all
18 discussed that?

19 MR. CHENG: Yes, Your Honor, I'll have a few brief
20 remarks.

21 THE COURT: All right. You can come to the mike.

22 MR. CHENG: Thank you.

23 THE COURT: Since you're starting, let me ask you this
24 question.

25 MR. CHENG: All right.

1 THE COURT: This case was filed in 2016. How long before
2 that -- because I know DOJ typically goes through some arduous
3 process before it elects to sue any entity, in particular, a
4 public entity. When did the investigation begin?

5 And because I know prior to any lawsuit being filed,
6 there's an investigation, and then there's negotiations and
7 there's discussions and typically the last thing the DOJ does will
8 actually file the suit.

9 MR. CHENG: So the Department of Justice issued its
10 findings letter on May 21st, 2015. By the time that letter was
11 actually issued, it had actually been a couple of years since we
12 had noticed the jurisdiction of the investigation, and then after
13 the findings letter was issued, the statute usually gives us
14 49 days to resolve the case. If not, we're authorized to sue.

15 We obviously did not do so until we entered into the
16 settlement talks, and the settlement agreement itself was then
17 filed on July 19th, 2016. I believe the settlement itself may
18 also have the exact dates of the notice letters.

19 THE COURT: That's fine. That's fine. I just wanted --
20 okay. That's fine.

21 MR. CHENG: Right.

22 THE COURT: You may proceed.

23 MR. CHENG: So as Your Honor alludes to, this is a long
24 process, and while a lot of positive things have been said today,
25 I do want to caution just how new a lot of these improvements

1 were. And by way of analogy, let me talk a little bit about that
2 riot.

3 When we came in on Tuesday, we had not been notified that
4 there had been a riot just a few weeks before, and when we got on
5 site, we learned about it from the staff and the administrators at
6 the jail. The riot --

7 THE COURT: Does the settlement agreement require
8 notification?

9 MR. CHENG: Yes, it requires immediate notification after
10 something as severe as a riot.

11 When we found out more about the riot, among other things,
12 the riot occurred during a severe storm. The storm took out power
13 to the entire Raymond Detention Center. The emergency generators
14 failed, which contributed to the security failures. The door
15 breakdown was just part of a very longstanding pattern of them
16 simply being unable to keep inmates in the jail.

17 As you may have seen from the compliance reports, there's
18 a long history of the inmates breaking out of the jail just to get
19 contraband and bringing it back into the jail, inmates
20 overpowering officers, inmates getting into control rooms. This
21 one was almost as bad as it could have been, and it was only by a
22 small miracle that nobody was hurt.

23 So just as that incident occurred very recently, a lot of
24 what you heard today from the monitor and her team are very recent
25 improvements that were represented to us by staff. And that isn't

1 to say they're not real. These are all real improvements. There
2 are definitely a lot of steps being taken by the current deputy
3 jailer at the Raymond Detention Center as well as more
4 long-standing reforms adopted by the captains at the work center
5 and at Jackson Detention Center.

6 But these are all staff-level improvements and staff-level
7 representations. At a very core level, the major policy decisions
8 that need to be made by the defendants themselves have not
9 actually been made, so there is some concern that the really big
10 reforms that are needed can't be done without some demonstration
11 of greater commitment by the defendants.

12 And I think the monitor alluded to a couple of the issues
13 that really need to be addressed. The first is that while there
14 have been a lot of promises and going back and forth with the
15 defendants, there really hasn't been any type of master plan or
16 any indication that the defendants themselves have a strategic
17 vision for where they want to go with the jails.

18 I mentioned I believe at the last hearing that there has
19 been a lot of technical assistance, and Ms. Simpson alluded to it
20 as well. When she talked about the various proposals, we're not
21 talking about just like off-the-cuff comments. We're talking
22 about talking with architects. The County themselves that the
23 administrative level brought in architects to draw up plans for a
24 new intake reception center. There were pretty detailed
25 discussions with managers about how to improve staffing. There

1 were discussions about how to develop a staffing recruitment plan.
2 All these were in the works at some point during the compliance
3 process, and then they fell apart.

4 Now, why they fell apart, it's not always clear. But at
5 least from the United States' point of view, some of it is because
6 there really isn't sort of the buy in at the highest level, a
7 commitment for what they want to do in the long term.

8 The second issue that comes up is that for a long-term
9 plan to work, there have to be certain key steps taken before you
10 can start building on them. And while there are a lot of
11 improvements across the board, some of those key steps have not
12 been taken. One of them is staffing. What do they want to do?
13 Do they want to try to hire more staff every year? In which case,
14 they need to improve funding every year for more staff. Instead
15 we've been stuck at a 275 figure.

16 If they want to do something else, like consolidate
17 facilities, that, too, requires commitment. Having a working
18 committee get together, talk to the monitor, write something up.
19 Let us know what you want to do, so we can at least comment on it
20 and then let's do it.

21 So I guess the sum of all of that is that there's a lot of
22 potential for breakthrough based on what we saw during this last
23 compliance inspection, but there's a lot of room for it to fall
24 apart again as well. And I think it's, therefore, very important
25 for the Court to continue to be as active and for the United

1 States to continue to monitor this case and work with the monitors
2 as closely as possible to push the defendants to do what needs to
3 be done.

4 THE COURT: In two months this settlement agreement will
5 be three years old. What part of the settlement agreement does
6 the United States believe the County has been in compliance with
7 since the agreement has been reached?

8 MR. CHENG: I think --

9 THE COURT: The answer is none. Because I asked that
10 question, I said what part has the County been in complete
11 compliance with since the settlement agreement has been reached?
12 Is there any -- is there any portion of the agreement that the
13 County has been -- the County and/or the sheriff's department has
14 been in complete compliance with since July of 2016?

15 MR. CHENG: I think the monitor has identified one
16 provision that the jurisdiction is in complete compliance with,
17 which is the appointment of a compliance coordinator. The monitor
18 has not found them to be in compliance with any other provision,
19 or at least not sustained compliance, and the Department has never
20 disagreed with her.

21 I do have to caveat it, because as always for the
22 Department to take an official position on whether there's
23 compliance would require further briefing. But so far we have not
24 contested any of that by the monitor.

25 THE COURT: And how long does this -- and I have to go

1 back and look at the agreement itself. How long is the agreement
2 supposed to be in place?

3 MR. CHENG: The agreement has no automatic termination
4 date, so most of the guidelines, most of the deadlines are tied to
5 about a two-year date for compliance. A number of provisions,
6 such as the policies and procedures provisions, have much shorter
7 deadlines of about six months to a year. So technically, you
8 know, when the monitor says they're not in compliance with any of
9 the deadlines, the United States has never contested that
10 statement either.

11 THE COURT: Okay. Thank you, sir.

12 MR. CHENG: Thank you.

13 MR. TEEUWISSEN: Good afternoon, Your Honor.

14 THE COURT: Good afternoon.

15 MR. TEEUWISSEN: May it please the Court?

16 THE COURT: You may proceed.

17 MR. TEEUWISSEN: You quoted an African proverb. I'm going
18 to quote JayZ. The County's got 99 problems, but the current
19 elected officials aren't one.

20 Let me caution everybody in this room. It won't be a
21 surprise to anybody on this side. You end up with three different
22 supervisors and a different sheriff, you think you got problems
23 now, you're going to start from scratch because you won't have
24 your lawyers and you won't have anybody who understands any of
25 this.

1 We have a narrow window, Your Honor, between now and this
2 fall to figure out how to get some traction, and I'm glad the
3 government got up and said we aren't in compliance, because I'm
4 pretty sure I told you that in January.

5 Now, I would quip with the government on the issue of the
6 juveniles, and I would say that if Your Honor was to hold a
7 hearing next week, we could show we're in compliance on the
8 juvenile provisions of the adult decree. But that's not the real
9 issues of why we're here.

10 We've got three big issues, and I view them a little bit
11 differently than Ms. Simpson. We've got management of the
12 facilities, structure of the facilities, and the criminal justice
13 system. Management, structure, and the system.

14 I think Your Honor was astute in the proverb about how to
15 eat an elephant. Hinds County has said for two years to the
16 Department of Justice and to the monitors that we are overwhelmed
17 with the problems we are facing, and, quite frankly, we don't have
18 the internal capacity to figure out how to prioritize and get out
19 of what amounts to decades of poor management, and, obviously, a
20 decrepit structure that was flawed from the beginning.

21 I would request that the Court direct the parties to
22 somehow figure out a way to streamline and prioritize what we are
23 trying to accomplish. And I say that because your neighbor, Judge
24 Jordan, just directed the County and SPLC, who is here, to do the
25 same thing with respect to the juvenile consent decree at

1 Henley-Young.

2 Of course, we have made much more progress, but Judge
3 Jordan, who quoted you several times by the way, said that we need
4 to get off that consent decree and figure out how to wrap it up.

5 The County then sat down with SPLC and actually came up
6 with a timeline and a structure that should wrap up the juvenile
7 consent decree, and we did it by agreeing that certain problems,
8 while present, would be addressed six months from now or 12 months
9 from now because we needed to address other problems first.

10 If I misspeak on any of this, Ms. Woo is here and her team
11 and they can correct me. I think we've got to come up with
12 something similar with the adult system. We've got to realize
13 what can we tackle now and put in place that then allows us to
14 build upon it?

15 And, quite frankly, I don't understand how -- I respect
16 these folks. I don't understand how they can get up and tell you
17 close downtown jail and put more people into the worst facility in
18 the County at Raymond just so we can consolidate staff. We're
19 consolidating staff at the expense of how many more people that
20 we're going to put in there. The County has jumped all over the
21 board. We've got to have some sort of plan that makes sense.
22 Don't know that we're going to solve it today --

23 THE COURT: How do you the -- I'm sorry to cut across you,
24 Mr. Teeuwissen. But you indicated management, structure, and the
25 criminal justice system?

1 MR. TEEUWISSEN: Yes.

2 THE COURT: How do we address the criminal justice system
3 aspect of it when the district attorney or the judges are not a
4 part of -- I guess they're part of the process through the CJCC or
5 whatever, but they're not here -- the DA isn't here today and has
6 never been here. And by the time this wraps up after November,
7 the first Tuesday in November after the first Monday in November,
8 we will have a new district attorney no matter who that person is,
9 because the district attorney says he's not -- well, he has not
10 qualified to run for his -- he's qualified to run for a higher
11 office, so he's not running again. So we will have a new district
12 attorney.

13 But how do we address the criminal justice side of the
14 thing if there is nobody here as a stakeholder from the person
15 who's in charge of indicting and bringing people to trial?

16 MR. TEEUWISSEN: I think there are provisions within the
17 consent decree, and I'm sorry I don't have it in front of me. But
18 I hope this will answer your question. The County believes there
19 are provisions within the consent decree that would allow us to
20 basically backdoor force the district attorney and the judges to
21 do their jobs in a timely fashion. We've had that discussion with
22 the Department of Justice. They take a very different position on
23 those provisions. They view those as a prisoner release issue
24 that would require a three-judge panel. We don't see it that way.

25 We think Your Honor, who has ample authority to fashion

1 remedies, could say, for example, that you will not, Hinds County,
2 hold unindicted people beyond a certain number of days, unless
3 there is some hearing, some record that says why you're holding
4 them. That would be one way to do it, and we think you have those
5 powers. We could brief the issue. We could put the case law
6 before the Court to do things like that, not to effectuate a
7 release as the government is concerned, but to effectuate judges,
8 district attorney's office, you can't ignore everything.

9 And there are provisions in the consent decree that
10 discuss what paperwork and under what circumstances the County
11 will hold someone. You could interpret those provisions and
12 provide some relief. That will be our position, because we've got
13 to get them to the table.

14 Now, let me say this. I believe the four circuit judges
15 who are now on the bench are serious about addressing these
16 problems. I say that because in April, we had a meeting with the
17 four circuit judges, myself, Ms. Davis, Mr. Simon, just the seven
18 of us. That was the first time in my 29 years of practice, Your
19 Honor, that I have seen four Hinds County circuit judges in the
20 same room trying to tackle something with the criminal justice
21 system. It was clear that was not a one-time meeting, so I do
22 think we have support of the judges, though because they're
23 elected, they're looking for some cover as well, if that makes
24 sense. They don't want to be seen as being painted as being soft
25 on crime or some other term that gets bandied about in the media

1 that mischaracterizes what they're trying to do by enforcing
2 constitutional rights. We have to recognize that.

3 I think that we have got to have something in place so
4 that whomever the next district attorney is that district attorney
5 understands coming in the door that there are certain priorities
6 necessary to A, protect constitutional rights of the accused; and,
7 B, relieve the pressure that currently occurs in the criminal
8 justice system, and specifically, in the holding facilities. And
9 I think we can do that through some order of this court.

10 Now, how we approach that, whether that means the County
11 needs to file a motion and memorandum brief and ask for that
12 specific relief, whether that means that the County and the
13 Department of Justice needs to sit down and roll up their sleeves
14 like the County did with SPLC. We had five separate negotiating
15 sessions with SPLC to come up with a plan that made sense, and if
16 you had listened to the hearing in February in the next courtroom,
17 the SPLC and the County were miles apart.

18 It was amazing when Judge Jordan ordered us to go solve
19 some problems what we came back with in six weeks, and we're on
20 track. We think we're going to get there.

21 While I'm there, let me digress momentarily, Your Honor.
22 We do have a new director of Henley-Young Juvenile Detention
23 Center. He's here in the courtroom, Mr. Fernandez Frazier. He is
24 a -- has a long, distinguished career and retired from the Bureau
25 of Prisons, so we think Hinds County has hit a home run. And

1 that's not to diminish Mr. Dorsey and Mr. Burnside, who have been
2 the backbone of the Henley-Young efforts over the last four years.
3 We've got to think outside the box. We've got to do something
4 different.

5 THE COURT: Who is the director of -- is there an
6 administrator for Raymond?

7 MR. TEEUWISSEN: Yes, the administrator of the adult
8 system is Mary Rushing. She's been here previously. She's not
9 here today. Candidly, we probably need somebody with Bureau of
10 Prison experience to run the adult system, too, but we're not
11 there yet. The job isn't attractive. I will say that the four
12 finalists for Henley-Young were markedly different this year than
13 they were in 2014. We hired Mr. McDaniels in 2015, but that was
14 after 65 people applied and the federal monitor in that case said
15 don't interview any of the 65. We had a much different -- as you
16 make some progress, it's easier to find individuals such as
17 Mr. Frazier who are willing to take their experience into another
18 setting that is making progress.

19 I think the monitors are well intentioned. You know, I
20 think when we testify or speak to the Court, either from the
21 witness stand or as counsel, we're supposed to be accurate. We're
22 supposed to be truthful. We're supposed to be complete. I think
23 the monitors are truthful. I think they're reasonably accurate,
24 but far from complete.

25 Every issue they've identified today, I could spend the

1 next two hours explaining the rest of the story. I'll give you
2 one. Mr. Moser stood up before you and said he sure hopes we get
3 a full-time psychologist at Henley-Young. SPLC will tell you they
4 hope the same thing. What Mr. Moser doesn't know, hasn't asked,
5 or just didn't tell the Court is that the person we have that
6 everybody likes, we tried to hire her full time. She told us she
7 wanted \$36,000 per month; that's not going to happen.

8 Ms. Davis did her best to negotiate with this woman. The
9 woman insisted on making at least \$160,000 a year. That's not
10 going to happen in Hinds County. There's no employee in Hinds
11 County who's making \$160,000 a year.

12 Her initial request for \$36,000 a month is more than
13 Ms. Barker makes, myself, Mr. Simon, and two other attorneys under
14 contract make. So while we hear a lot of great ideas, we've got
15 to get realistic as to what this market can and can't do, and
16 where do we find these individuals.

17 If we don't keep Dr. Payne, we're looking elsewhere. We
18 haven't found somebody, so I'm not sure how we're going to solve
19 some of the problems that are just inherent to the State of
20 Mississippi and what we're facing. Hinds County pays its
21 detention officers more than the State of Mississippi, yet both
22 Hinds County and the State of Mississippi have a severe shortage
23 of detention officers.

24 You've heard the issue on the mental health. The State of
25 Mississippi has 15 criminal beds for 82 counties. We need more

1 than 15 for folks we got in Raymond. I don't know how we solve
2 those, but working on some of those problems while trying to work
3 on all the rest of the problems, is not something that builds to
4 success. We've got to realize that some issues, however bad they
5 are, however unconstitutional they are, have to take a backseat to
6 certain others.

7 And I will tell you I am not a detentions expert. I don't
8 know how you prioritize, but I also don't know anyone in the
9 County who knows how to prioritize those types of complicated
10 issues. And that's what we were hoping, "we" being the County and
11 the sheriff, we would get from the monitor team. Clearly they
12 view their roles very different, which is understandable, and
13 their role is to monitor, not necessarily provide technical
14 advice. But the capacity of what we have to work with is truly a
15 challenge.

16 Going back to Henley-Young, Your Honor knows we've had
17 problems with youth being abused in this county going back to the
18 1980s. Think about that, 1980s, and it's only within the last
19 three years that we've solved those problems so the youth aren't
20 being abused.

21 Now, do we have more things we need to do to make sure
22 we're constitutional? Yes. But we don't have abuse issues and
23 safety and security issues.

24 At some point, again, the government, federal government,
25 the County, the sheriff, the monitors have got to figure out

1 what's the first priority and how do we get after it? It seems
2 like those should be safety and security issues, and we've somehow
3 got to structure those. But that's where we are. I don't know
4 how we get there. I don't know, should the County file for formal
5 relief asking that you point us in that direction? We're willing
6 to do so, but that's where we stand.

7 I stand ready to answer any of your other questions. I
8 don't want to get into rebutting everything that was said, because
9 I think that is kind of a waste of time. Yes, the doors are an
10 issue. But, Judge --

11 THE COURT: I assume this falls under the PLRA, does it?

12 MR. CHENG: The doors themselves do not fall under the
13 Prison Litigation Reform Act. I think what Mr. Teeuwissen is
14 referring to is if there were any additional relief entered to try
15 to get inmates out of the facility or to cap the population.

16 THE COURT: Okay.

17 MR. TEEUWISSEN: But I just wanted to speak to the doors.
18 Your Honor, these Wiley Coyote geniuses built a facility with
19 sliding doors.

20 THE COURT: But the County accepted the facility with the
21 sliding doors.

22 MR. TEEUWISSEN: I agree.

23 THE COURT: And I understand it was under a separate
24 administration, separate board of supervisors, and we have -- you
25 know, we have no control over who the people of Hinds County elect

1 to do its job, to do the job that they're elected to do.

2 But the County has an obligation -- as long as it's going
3 to participate in the criminal justice system, it has an
4 obligation to make sure that the constitutional rights of those
5 who they accuse of crimes are protected.

6 MR. TEEUWISSEN: Absolutely, Your Honor. But the
7 assumption is or the representation is that the County hasn't
8 addressed doors until the last two months, that's simply not true.
9 The County has addressed the problems with doors on an ongoing
10 basis for the five years I have represented them.

11 THE COURT: The County has been trying to get that jail in
12 a state where it can be a jail since 1995, and it didn't
13 accomplish that goal when it was built. There have been -- the
14 County has sued different people who were responsible and -- and
15 all of -- and all of that. So I imagine there are provisions in
16 the settlement agreement itself that requires the parties to try
17 to work or monitor or try to get things right, and obviously it
18 shouldn't take an additional from the court, I don't think, to
19 make the parties do whatever the settlement agreement -- whatever
20 the terms of -- because this was negotiated, I presume.

21 MR. TEEUWISSEN: Yes, the order of the Court I was
22 referencing would be to effect those actors who are not
23 stakeholders but who impact the system.

24 THE COURT: Okay.

25 MR. TEEUWISSEN: The reason I referenced the doors is it's

1 an ongoing issue. It's going to be an ongoing issue until a new
2 jail is built, but I think there's some confusion as to lack of
3 effort versus effort that ultimately ends up futile.

4 And I think the sheriff's office and the County could put
5 on proof that they have done effort after effort. Now they
6 haven't made a change, that's the problem, we're still in the same
7 position. But it's not like money hasn't been spent. There's
8 been about \$7 million spent on the jail since I've been the board
9 attorney of the Raymond jail, and yet we still have the same
10 problems.

11 So we've got to, again, somehow what can we reasonably
12 tackle short of just throwing money at problems? Because we've
13 shown that the throwing of money at problems really hasn't worked.

14 Now, it's going to cost money to get off the consent
15 decree; no question about that. Ultimately -- and I've said this
16 to the board of supervisors in the last six months -- after this
17 election year settles, assuming that a majority of that board
18 comes back, they're going to have to really consider building a
19 new facility.

20 I think Dr. Dudley makes a good point about mental health,
21 but even if we modify some part of C into a mental health unit,
22 it's not going to be a true mental health unit, because each of
23 those pods is designed the exact same way. We have no ability to
24 reward good behavior or punish bad behavior. There's no maximum
25 security. There's no minimum security. It's just there.

1 And so I've changed my tune in terms of advising the board
2 that they're going to have to cross a very uncomfortable political
3 situation and really bear down on -- you've got to figure out how
4 to get the right jail in the right place and the right size jail.

5 I heard some reference by Ms. Simpson to planning new
6 programming in the jails. The County went in 2014, a member of
7 the board of supervisors, Ms. Davis, myself, then Sheriff Lewis,
8 his jail administrator went to the National Institutes of
9 Correction for a week, went through the planning of new facilities
10 program, and the only thing we could conclude after that in 2014
11 was the County was not ready to build a new facility. Simply we
12 didn't think we had the capacity to make the right decisions and
13 not do what was done just a generation ago.

14 We've got to change the culture in detention. Detention
15 has always been a stepchild to every sheriff, that's not the
16 exciting part of the job. That's no disrespect to Sheriff Mason
17 or Sheriff Lewis or Sheriff McMillan, that's just not a part of
18 the job that people have emphasized. That's a cultural shift
19 that's going to take several years at best. We've changed that
20 culture at Henley-Young, but we didn't have that culture five
21 years ago. We're starting to get that culture now.

22 Again, the County is not asking to be excused from what it
23 negotiated. Your Honor, I negotiated it. I think everything in
24 the consent decree needs to occur to protect the constitutional
25 rights of those who are housed in the County facilities.

1 Having said that, we've got to change the approach,
2 because we can't eat the elephant all at once. And our people get
3 frustrated. They check out on us in terms of they're committed,
4 they're not committed two months later because they're frustrated
5 for whatever reason. And that's a difficult challenge, and I'm
6 not sure how we get there. But we've got to figure out how to get
7 there, and it can't be we're worrying about every provision in the
8 consent decree with equal force at all times.

9 THE COURT: Has the County attempted to find out what it's
10 costing the County every day to hold a particular -- it seems to
11 me that that would be an incentive to the board of supervisors and
12 the sheriffs. For example, if it's costing a prisoner \$50 a day,
13 then we're holding that one prisoner a thousand days, that's --
14 you know, I don't know, that's \$50,000, or is that more than that?
15 That's 50 and 40, that's five and three zeros, right?

16 Yeah, no, that's on the record.

17 MR. TEEUWISSEN: I'm a lawyer. Your Honor, I get the
18 point. The answer is no, but after the no, Ms. Simpson and I met
19 earlier this week, and she wanted to prioritize the budget. It is
20 timely to do so, because the County's budget review occurs during
21 the summer with budget adoption by September 15th.

22 And let me back up. Previous sheriffs had a tendency to
23 mix detention funding with operations or other things, so for us
24 to have tried to figure that out probably before the current
25 fiscal year was not going to occur because the board

1 appropriates -- yes, there are various budget line items. But by
2 state statute, they appropriate a quarterly amount to the sheriff.
3 The sheriff then spends that. As long as it's legal, the sheriff
4 can move it between budget lines.

5 This year, this fiscal year, the sheriff has refrained
6 from doing that. Ms. Davis has tried to ensure through her
7 finance people that that is not occurring, and I think we're at a
8 position where we can start looking at what the true cost is
9 remembering -- and the budgeting, I heard you reference that
10 earlier. What you say makes sense, but local government budgeting
11 doesn't operate the way you think it should, or the way I think it
12 should for that matter.

13 They'll look up, and the sheriff will come in, and he'll
14 say, look, I need \$21 million this year. And, yeah, I got all
15 these line items. This is how I come to \$21 million. The board
16 will come back and say I'm going to give you 19, and you can
17 figure out where to cut it. And they arrive at some global number
18 in the middle, without really looking at how does that impact
19 those individual lines.

20 And part of that is because once the board appropriates
21 it, the money belongs to the sheriff, and they can't tell him how
22 to spend it. So nobody gets into the weeds that they should
23 really trying to figure out the budget. Again, I think through
24 this -- this process, specifically Paragraph 42 of the consent
25 decree -- I knew that one -- there has to be prioritization of

1 what's occurring to prioritize detention. And we've got to figure
2 out those numbers. Realizing as well that when we determine those
3 numbers, the 20 million -- this is an estimate. I'm not giving
4 you the exact number, but the sheriff gets 20 million this year.
5 It doesn't include health care costs, insurance costs, and other
6 costs that are borne by the County outside of that 20 million.

7 Medical is obviously a major expense. A medical
8 contractor is about 2.5 to \$2.8 million a year, that's not
9 medications, that's not hospital bills, that's just the medical
10 contractor.

11 So, yes, I think that we do need to figure out how much it
12 is per day. I think if the County is going to look at a new
13 facility, they've got to have those numbers, so they can talk to
14 the public. That's what they told us at NIC, that just kind of
15 makes common sense. We need to know whether it costs \$50 a day or
16 75 or whatever number it is in between.

17 I will tell you that part of the reason the jail
18 population is down is because the County has engaged in electronic
19 monitoring, well intended to reduce pressure on the jail, and I
20 think we're spending \$800,000 a year on electronic monitoring.
21 That has caused Ms. Simpson and everybody else to say, wait, wait,
22 wait a minute, that's some money that ought to be going back into
23 the jails, which is true. And that's a cost outside of what is
24 appropriated to the sheriff, but it's a cost that we bear with
25 respect to the criminal justice system.

1 Complicated issues, Your Honor. I could be up here all
2 afternoon. I would prefer to answer your questions as opposed to
3 trying to make some particular case, except I want to say we've
4 got a window of opportunity between now and the election, and
5 somehow collectively, Your Honor, the government, the monitors,
6 the County, the sheriff we've got to take advantage of this,
7 because we don't need new elected officials, regardless of whether
8 I'm here or Ms. Barker or Sheriff Mason or Ms. Davis. We don't
9 need a new set of officials coming in thinking that they've got to
10 reinvent the wheel and somehow need to relitigate the issues.

11 THE COURT: Well, I mean, you've gotten a guarantee --
12 there is a guarantee that there will be a new set of elected
13 officials, because at least one member of the board of supervisors
14 has announced she's not running.

15 MR. TEEUWISSEN: Correct.

16 THE COURT: So she's gone December 31st, and for all
17 practical purposes, she may be gone now, and she may decide that
18 she does not want to bind the County with something that she does
19 because she's not going to be here after January 1. I don't know
20 what her thoughts might be on that. I don't know. I mean, you
21 know -- and then again, I don't know what the other county
22 officials might be thinking in that regard whether they're the
23 board of supervisors, the sheriff, or the district attorney.

24 Well, we know one member of the board of supervisors is
25 going to be gone, and we know the district attorney is going to be

1 gone. We know that. And I think those are the only two who have
2 decided not to run again. And are all the members of the board of
3 supervisors in contested races between now and November?

4 MR. TEEUWISSEN: Yes, Your Honor.

5 THE COURT: And you think you have the capacity and the
6 will to try to get something to address what the monitor and what
7 DOJ says is the -- are the problems?

8 We haven't been able to get it since July 2016, but we're
9 going to get it done between May 10th, 2019, and December 31st,
10 2019?

11 MR. TEEUWISSEN: No, Your Honor. But I do think there are
12 pieces of the puzzle that can be solved. You don't put together a
13 thousand piece puzzle by dumping a thousand pieces out and
14 slapping them all together. You work on a counter here. You
15 build an edge or a framework. I think the consent decree is our
16 framework for that edge for that puzzle. I think we have got some
17 corners where we've made progress, such as the juveniles, some
18 degree medical and mental health seems to have made some
19 improvement. But we need to take care of some other corners, and
20 probably the most important one we can deal with this election
21 year is one that involves the district attorney since we know
22 that's going to change and the circuit judges who were elected
23 last year and are not feeling the political heat at the moment.
24 And we need to take advantage of that to somehow at least get
25 something from this court which tells them you've got to hold some

1 hearings and justify why these folks are in the Hinds County
2 facilities.

3 We've had a youth over there for an armed carjacking since
4 September 5th of 2017, that was the first day we put the juveniles
5 charged as adults in Henley-Young. He's still there. It seems
6 like there ought to be some hearing, some order that says Hinds
7 County you can't hold that youth without somebody going on the
8 record and explaining why he ought to be held.

9 Now, if he ought to be held, if he's such a danger, if
10 they can't process the case, I don't know what the reason could
11 be. There could be a reason to hold them, but I do think we could
12 get that relief right now that would at least address that portion
13 of the criminal justice system and help take some pressure off
14 whomever the individuals are, board-wise or sheriff-wise, that
15 have to run these operations.

16 THE COURT: What does the County say about the DOJ's and
17 the monitor's issue with again putting pieces together -- and
18 maybe this is not a question for you, Mr. Teeuwissen, because it
19 appears the County has nothing to do with it.

20 But what has hamstrung the sheriff's department from
21 drafting or either adopting policies and procedures? That seems
22 to me that that is a matter of somebody going into a room or going
23 to rooms looking over old policies and procedures of other
24 entities. I don't know, I'm told today there is just a minute
25 number that has been done.

1 What extraordinary efforts does it take to get that part,
2 that piece done?

3 MR. TEEUWISSEN: I don't think the sheriff's office has
4 individuals with capacity to do that, not that they're not good
5 individuals. But without having something directly and somebody
6 being held directly accountable by the sheriff or by the jail
7 administrator and saying that's your job; here are some model
8 policies, do that. It just doesn't get done.

9 Contrast that with Henley-Young, Mr. Burnside and
10 Mr. Dorsey drafted the policies, but our monitor in that case gave
11 them policies to start with. They then edited those policies to
12 apply to Henley-Young, and, in fact, now SPLC has its own monitor
13 that the County has agreed to who's reviewing those policies. And
14 we were pleased she said that there were very few that needed
15 tweaking or adjusting.

16 But, Your Honor, we don't have professional detention
17 people in Mississippi. I don't know how else to say that. We
18 don't pay the salaries or make the decisions to hire those people,
19 and that's what we need. We're very fortunate to have Mr. Frazier
20 who's able to have both a federal retirement and come to the
21 County. We're underpaying him. I mean, you can guess that. He's
22 local, so he wanted to come back here because he was most recently
23 in Texas.

24 But short of kind of stumbling on those type of
25 individuals, they just aren't on the staff, and it's not just in

1 detention. Ms. Davis and I will tell you it's the same for permit
2 and zoning. It's the same for grant writing. It's the same
3 throughout local government. It's not an excuse not to get it
4 done, Your Honor. It should have been done, but that is why we
5 tend to get stuck where we are.

6 THE COURT: Thank you, Mr. Teeuwissen.

7 MR. TEEUWISSEN: Thank you.

8 THE COURT: Ms. Barker, you have anything you wish to add?

9 MS. BARKER: Good afternoon, Your Honor.

10 THE COURT: Good afternoon.

11 MS. BARKER: Mr. Teeuwissen hit on most of the points that
12 I would have made, and so I'm not going to use up my time with the
13 Court reiterating that. I do note -- I would like to speak about
14 the policies and procedures, and Mr. Teeuwissen was correct and
15 being very candid with the Court.

16 Whenever we entered into this consent decree, we had a
17 broken system, a broken detention center. We had a new sheriff
18 coming in, a new command staff, new everything. We are basically
19 rebuilding a detention center from the ground up in detention
20 services, which does require a change in mindset.

21 This has gone a lot -- patience is not one of my virtues,
22 so the process of getting policies and procedures that are
23 compliant with this consent decree has taken a long time. Now, we
24 do have policies and procedures in place that are in line with the
25 ACA; however, the consent decree is -- goes above and beyond what

1 the ACA requires.

2 And so initially we had a lot of trial and error as far as
3 who we were going to contract with. Some people came in, JSU came
4 in, and it just -- it fell apart, and I honestly think that the
5 process that was originally tried with this consent decree was
6 basically here's a consent decree that's 120 pages or whatever;
7 fix it. And like Mr. Teeuwissen said, this thing is like an
8 octopus and it has overwhelmed our staff. It has overwhelmed
9 everyone who has come in contact with it.

10 So I think that the policies and procedures, which we did
11 a lot of trial and error, thank goodness. And we're very happy
12 with Karen Albert who Ms. Lisa Simpson sent to us. It is working
13 now, because she's engaging the staff. And I do think -- I'm like
14 you, Your Honor, why can't you just have a use of force policy and
15 say, here, do it. The staff is being retrained in direct
16 supervision. Whenever NIC came down with the command staff to
17 have a direct supervision training, only three people really knew
18 and had worked in direct supervision, and that's catching on.

19 I think that in the same vein as the policies and
20 procedures with Karen Albert coming here, I've sat in those
21 meetings, and sometimes I'm like wait a minute. This is going
22 off -- you know, veering off a little bit to the left. However,
23 it is helping our staff to be more responsible to have critical
24 thinking skills, and I have seen this.

25 In the past, we have not had staff with critical thinking

1 skills. Basically, they were just reactionary, and that's not a
2 way to sustain your -- your system. You know, we're supposed to
3 have quality assurance -- and however we don't even have people
4 that have the skills -- or I don't want to say "the skills,"
5 because they do. I have seen them; they do have the skills. But
6 they don't know what they don't know. And so right now, although
7 it's a painstaking process, it is the right process.

8 Let's see. And that's basically what I wanted to touch
9 on, because that is a huge issue. I do -- we do recognize that.
10 But the sheriff's office and the County in the last -- well,
11 really, in the last -- since the last visit have really come
12 together and shown an extraordinary effort to grasp this problem,
13 and without any direction as to how to do it. We're figuring
14 out -- hopefully, we can figure it out for ourselves.

15 But I do agree for the last year and a half we have been
16 asking for some priorities that we can enter into, some doable
17 priorities. One step built on the back of another, another step
18 built on the back of that, and that's the only way we're going to
19 get out of this. Your Honor, I have -- I'm here to answer any
20 questions.

21 THE COURT: Is my assumption correct that if there's a new
22 sheriff, the new sheriff has an opportunity to select or change
23 his or her command staff?

24 MS. BARKER: That's correct.

25 THE COURT: All right. It's just the -- I know the person

1 can't come in and just fire every deputy and all that. But
2 certainly the --

3 MS. BARKER: Yeah.

4 THE COURT: Oh, he can?

5 MR. TEEUWISSEN: It's Sheriff Lewis that started us on the
6 path -- I'm sorry to interrupt, Your Honor.

7 Yes, under Mississippi law every employee of the sheriff's
8 office is a will and pleasure employee. And in fact when Sheriff
9 Lewis was elected, he wiped out a large portion of the sheriff's
10 office, including the veteran detention staff which then led to
11 the riot in 2012 and took us from probably what was not a good
12 situation but now one that has us in the consent decree where we
13 are now.

14 MS. BARKER: That's correct with the entire sheriff's
15 office. You know, McMillan was the sheriff for 20-something years
16 and whenever Sheriff Lewis came in, the entire office, including
17 detention services, was gutted, which a sheriff has every right to
18 do. However, it was -- I'll go on the record to say it was poorly
19 managed, especially detention services, during his tenure, and so
20 not only did Sheriff Mason walk into this already bad position,
21 but everything was effectively stripped. All the institutional
22 knowledge was effectively stripped from the sheriff's office, and
23 so we've had to rebuild a sheriff's office and then rebuild
24 detention services where, you know, that institutional knowledge
25 has just -- I mean, has --

1 THE COURT: I mean, but the sheriffs -- all the sheriffs,
2 I think as Mr. Teeuwissen has indicated, you know, you prioritize
3 what's important to you. And for many -- I assume for many of the
4 sheriffs, it's important to be seen out there in the street.

5 MS. BARKER: Important to our citizens, yes.

6 THE COURT: So maybe money is being spent on whatever the
7 sheriff's department does as far as policing, if you will, or
8 criminal investigations, because they figure that once they're in
9 jail, people are in jail. So -- and that's how the public might
10 see it.

11 MS. BARKER: You're correct about that.

12 THE COURT: It's important to see the sheriff's people at
13 the grocery stores and --

14 MS. BARKER: That's right. That's right. And it's
15 difficult to explain to the public that, okay, we're going to take
16 people off the streets, and your house may be robbed. But we have
17 to, you know, keep our people safe in the jail that some of the
18 public deems are already criminals.

19 THE COURT: Okay. Thank you, Ms. Barker.

20 MS. BARKER: Thank you, Your Honor.

21 THE COURT: Appreciate it.

22 Any rebuttal or any response from the United States?

23 I guess my central question is where do we go from here?

24 Do we continue to monitor?

25 Well, the monitor's already scheduled to -- they're on

1 track to come back and to submit a report to the Court based on
2 what they've encountered since the last report. Some of the
3 preliminary things I believe I've been advised of today, because I
4 assume some of the stuff that I've heard from the monitors
5 postdate 3/05/2019. So I suspect what I'm going to get is a
6 report that sounds like it's not going to be too substantially
7 different from the one that I have before me now.

8 So what is the next step for the Court?

9 MR. CHENG: The federal government is a bureaucracy, and
10 like many other things for us to formally ask the Court to do
11 something would normally be subjected to a lot of review, and if
12 we wanted something, we would have filed something.

13 I think it is fair to say, and I'm authorized to say that
14 any guidance the Court can give us to developing a plan to move
15 forward would be helpful. But I think the Department's concept of
16 a plan to move forward is a little different from
17 Mr. Teeuwissen's.

18 After having had months to implement things and not being
19 able to do so, we would not be rewarding the County by saying
20 we're going to give you more months where we're not going to look
21 at these issues, so you can focus on a few items. I think the
22 idea is the settlement agreement is a fair agreement, and
23 everything in the agreement is something that needs to be done.

24 That said, it does make sense for the parties to talk to
25 each other about what can be done on certain priority issues. The

1 staffing is one issue, some of the security fixtures are another
2 issue. There are other things like that that could probably be
3 addressed by the parties. We are open to those types of
4 negotiations. We have actually been passing a number of documents
5 back and forth to the County, but we haven't had much success in
6 getting the County to deal with some of those foundational
7 decisions and coming back with a solid response.

8 And I talked about this earlier, so let me give you sort
9 of a tiny example. In June 2018, the monitor actually issued a
10 list of priority recommendations to address the County and the
11 sheriff's concern that this was an octopus. There are too many
12 issues to deal with. Priority recommendation number one was
13 complete and implement the policies and procedures manual. There
14 are four bullet points on what to do. One was develop a realistic
15 plan for completing policies and procedures. Reconsider the
16 option to contract for development of policies and procedures.
17 Finalize policies and procedures developed with Karen Albert
18 regarding classification, records, and booking and submit for
19 review, and complete draft policies by the next site visit;
20 straightforward, very direct. The County couldn't really do most
21 of those. They sort of did some of them and they fell behind.

22 Priority recommendation two was achieve 275 filled
23 positions, and again there were some bullet points. One of which
24 was adopt a step increase as incentives for retention. There
25 were, like, a list of these things, and the County just didn't do

1 it.

2 Now, if we were to have conversations with the County
3 about a plan, I think the County has to come back in good faith
4 and look at these recommendations, look at those plans, and have a
5 concrete response. Otherwise, we're just going to keep talking
6 around and around about what needs to be done.

7 Let me give just one more example, the lock issue. Early
8 on one of the priority recommendations was get the locks fixed.
9 And, you know, County counsel is correct, that they have tried to
10 fix it, but what they don't mention is they tried to fix it
11 in-house. The monitor and his team has repeatedly talked to them
12 about having professional security contractors who know what
13 they're doing fix the doors. And what often turns out to be the
14 impediment is that when you hire people like that, they do cost
15 money.

16 Now, if they don't want to hire these people or they have
17 an alternative plan or they've come up with a way to do it, then
18 let us know what it is. If it looks reasonable, we can sign off
19 and proceed, but so far we don't have anything like that.

20 The Department of Justice fairly recently asked the County
21 to provide proof that they have actually gone out there to look
22 for bids. If you've supposedly gone out to search for contractors
23 to fix the doors, where are the requests for proposals? Where are
24 the various bids from different contractors?

25 We're told they're very expensive, just like we're told

1 that the psychologist is going to be real expensive, or that, you
2 know, hiring a new administrator is really expensive, but there's
3 no, like, proof. There's nothing to document what's really going
4 on.

5 So we end up with staff telling us we got great results
6 when we went with this person, and then nothing happens at the
7 defendant's level. I worry about this trend, because, again,
8 going back to the door issue, very recently after the riot, the
9 staff were able to go out to this Texas operation that fixes
10 security doors. They've come up with a model to fix the locks.
11 They fixed the hallway doors. They fixed at least some of the
12 cell doors.

13 But for all practical purposes, it was just a short-term
14 priority project. It is apparently very expensive to keep this
15 contractor on staff. I forget what the exact number was. I think
16 they got eight doors fixed for about \$50,000.

17 So if you talk with staff, they're on their way to fixing
18 the doors and the locks. But if I talk with the defendants, I
19 have no idea if this is really going to be the plan to fix the
20 remaining doors. And if it's not the plan, what's the
21 alternative?

22 So basically, Your Honor, we agree with them in concept
23 that we need to talk and we need to come up with priorities, but
24 what we don't agree with is whether or not the County is able to
25 come back and reciprocate. It feels to us as though they're

1 trying to avoid making some tough decisions. No matter how it's
2 couched, it basically boils down to they don't want to spend money
3 on certain things, and at some point they're going to have to
4 spend the money.

5 Now, I know that doesn't seem completely fair because on
6 their budget they have probably spent a great deal of money, but
7 it hasn't always been very thoughtfully, carefully managed. And
8 it doesn't go down to things the way we've tried to suggest they
9 go down the list.

10 THE COURT: Thank you. Can somebody tell me when the next
11 monitor's report is expected to be "due"?

12 MS. SIMPSON: The report on the site visit is due to the
13 parties 30 days after the site visit, and they have ten days to
14 review and get comments. I enter those, and then I submit it to
15 the Court. So it's typically 45 days after the visit.

16 THE COURT: And the visit ends tomorrow?

17 MS. SIMPSON: Yes.

18 THE COURT: So by July 10th, which will be 60 days, the
19 report will have been filed in all likelihood?

20 MS. SIMPSON: Yes. Yes, Your Honor.

21 THE COURT: For purposes of the record, Mr. Teeuwissen,
22 you mentioned Mr. Frazier, and I see Ms. Davis. Who else is here
23 for the County?

24 MR. TEEUWISSEN: Your Honor, Fernandez Frazier executive
25 director of the Henley-Young who began May 2nd, next to him Carmen

1 Davis the County administrator, next to her Mr. James Ingram who
2 is operations director, behind him is Mr. Eric Dorsey who is
3 quality assurance at Henley-Young, next to him Mr. Eddie Burnside
4 who is the operations director at Henley-Young, next row back
5 Mr. Synarus Green the internal compliance monitor for the County,
6 behind him the sheriff, next to the sheriff is Captain Dalton from
7 the Jackson Detention Center.

8 I'm sorry, on the other side in the uniform is Captain
9 Fielder who is assistant to the jail administrator and works at
10 the Raymond Detention Center. I believe I've gotten everybody.

11 THE COURT: Okay. Thank you. When are the monitors --
12 excuse me, Ms. Simpson, when are the monitors expected to return?

13 MS. SIMPSON: We would normally return in September. I
14 think because of some conflicts in the schedule, it might be early
15 October.

16 THE COURT: Okay. Thank you. Mr. Teeuwissen, let me ask
17 you a question, you or Ms. Barker whomever. The government
18 indicated that they were not informed of or didn't realize there
19 had been a riot in April until they arrived here. Is there any --
20 I mean, is it -- I assume that's truthful and accurate. But is
21 there any reason why the County did not inform the Department
22 about -- did the County not -- does the County not concede that
23 there was a riot, or that it was worth reporting?

24 MR. TEEUWISSEN: I think the incident should have been
25 reported, Your Honor. I will say this, me personally as an

1 officer of the court, I did not know there was a riot today. And,
2 in fact, one of the things I leaned over to Ms. Barker and said,
3 "That was a riot?" I knew there was some sort of incident.

4 Now, Mr. Cheng did misstate when he said the generators
5 failed. They ran out of fuel. That's another issue. We talk
6 about capacity, Your Honor. Somebody should have been checking
7 the fuel level and making sure they were ready. If we don't have
8 capacity to check the fuel level, you can see we don't have
9 capacity to write policies.

10 Having said that, I was unaware personally that it was a
11 riot, as that term is used, until in the courtroom. I am unclear,
12 have not had time during our brief recess to ask the compliance
13 monitor and others why that was not reported. I agree that if it
14 was a riot, it was a reportable incident.

15 THE COURT: Is that the incident where the inmate was
16 stabbed eight times or was that a different --

17 MR. TEEUWISSEN: I'm going to have to defer to Ms. Barker,
18 because as I just represented to the Court, my knowledge is
19 similarly limited. In fact, the government may know more than I
20 know quite frankly.

21 THE COURT: Okay. I mean, I see your deputy jail
22 administrator, the man on this side of the room that's nodding his
23 head like --

24 MR. FIELDER: Your Honor, those are two separate
25 incidents. It occurred on the same day, but it was two separate

1 incidents. But it was reported. It was reported.

2 THE COURT: To whom?

3 MR. FIELDER: To our compliance monitor, the sheriff, and
4 everybody that's on our notification committee to the sheriff,
5 both the majors, Major Rushing, Major Luke, Sheriff Mason,
6 Ms. Barker, and our compliance. It was reported.

7 THE COURT: But it was not reported to DOJ is what the DOJ
8 lawyer has said.

9 MR. FIELDER: Our compliance monitor knew of it.

10 MS. BARKER: Yeah. Your Honor, today is the first day
11 I've learned it was not reported to the Department of Justice. We
12 have -- we actually have an after-incident report that Captain
13 Fielder has generated whenever we got together and addressed this
14 issue, and so I do not know why it wasn't sent to DOJ.

15 MS. SIMPSON: Your Honor, I might be able to cut through
16 some of the confusion here. The way the compliance coordinator
17 now provides immediate notification as he uploads it into Google
18 docs, and they used to come as e-mails. They don't any longer.
19 They go into Google docs, and we don't necessarily know when
20 something has been uploaded. And I believe -- I'm not sure if DOJ
21 is allowed to access Google docs, so I don't know if they get
22 notifications that way.

23 THE COURT: Okay. Thank you, Ms. Simpson.

24 Mr. Teeuwissen, the monitors are not expected to be back
25 here until October. You have represented that the County is ready

1 to make some headway on some aspect of this if you -- if only
2 you're given more opportunity to discuss these things with DOJ.
3 The monitors are leaving tomorrow or so. They've been here -- I
4 don't know if there's a preliminary sort of assessment or
5 something where they talk to you about what all has occurred
6 during this visit. You'll get some indication, I suspect, as to
7 how the report might look.

8 And I will frankly tell the parties that when I read the
9 report from 3/05/19, in many substantial reports it suggests that
10 there was nothing done between November 15th, 2018, and 3 --
11 excuse me -- and March 5th, in many respects, not all respects.
12 But there were significant issues that I saw.

13 MR. TEEUWISSEN: And I'm pretty sure I raised those in
14 January when we were here.

15 THE COURT: Right, you did.

16 MR. TEEUWISSEN: I think I have tried to be as candid with
17 the Court as any counsel can be but still represent my client,
18 because this issue is serious. I've said this at board meetings
19 publicly. I'm saying it to Your Honor. I've said this everywhere
20 I can. We cannot continue on the path we are where we have
21 individuals who are charged, but presumed innocent, and have their
22 constitutional rights violated.

23 And you are not the first person I've said that to, nor is
24 this the first public forum in which I have said that. Your
25 Honor, it may behoove the parties to attempt to -- October is a

1 long time, that concerns me.

2 THE COURT: October is a long time. But I suspect I'll
3 get a report by July. I think the parties ought to be prepared
4 for -- I see -- I'm looking back on the docket back in 2017, 2018,
5 and I'm looking at various minute entries that was done by Judge
6 Gargiulo, and from time to time, he would have in person and
7 telephonic status conferences to find out what might be going on.
8 And I don't want the parties to incur unnecessary costs with
9 traveling here and all but --

10 MR. TEEUWISSEN: Your Honor, may I make a suggestion?

11 THE COURT: Yes.

12 MR. TEEUWISSEN: Judge Jordan ordered the County and SPLC
13 to -- I don't think he did a formal order, but he directed us from
14 the bench. We all took it as an order to figure out a corrective
15 action plan, and the County's initial position was it was not
16 interested in a CAP. I think, and, Ms. Woo, if I'm wrong, please
17 correct me. We actually ended up entering a CAP that prioritized
18 some things.

19 I think it would behoove the parties to try and figure out
20 some priority to the many tasks that are before us, say, between
21 now and when the report is actually filed. And if the parties
22 can't, I think that also tells the Court something.

23 And I don't disagree with Mr. Cheng, we need good faith on
24 both sides, and with all due respect to the government, all you
25 got to do is go down the road to Orleans Parish; they've got to

1 give some, too, because the standard DOJ playbook doesn't work
2 necessarily any better than the standard local county government
3 playbook. We're both going to have to get creative if we really
4 want to make some headway. And that's where I compliment SPLC
5 from moving off their position, which in turn got the County to
6 move off its position and come up with something, much to Judge
7 Jordan's surprise. I don't think he discharged us in February
8 with much hope that we would come back before the end of March
9 with some plan that made sense.

10 I will also say that that plan has us on the phone every
11 three weeks discussing our progress and has some hard and fast
12 benchmarks, in addition to Ms. Woo four calls with the -- or four
13 meetings with the magistrate, I believe, that have been scheduled
14 as well to make sure that we can stay on track.

15 THE COURT: But the -- but the Henley-Young thing is a
16 much smaller piece.

17 MR. TEEUWISSEN: It is. I agree with that.

18 THE COURT: I mean, you're talking about -- you're just
19 talking about children, and I hope Hinds County is not locking up
20 a thousand children. I mean, you're talking about a youth
21 detention facility. Here you're talking about something much more
22 egregious, if you will. I mean because, you know, I'm looking
23 back at the earlier status conferences that have been held in this
24 case. I'm looking at the minute entries and things, and, again,
25 frankly, I'm disappointed that there -- when I saw the report that

1 was issued in May -- and I'm bracing myself to be equally
2 disappointed in 60 days when I get this report, because this
3 report is going to tell me something about how that prisoner got
4 it -- how that detainee got assaulted and was stabbed eight times
5 and it's going to be because there was no locks. There were no --
6 the place was inadequately staffed. You leave doors open, because
7 the correctional officer needs a way to go in and out because
8 there's no second person there because it's inadequately staffed.
9 And I'm -- and I've -- I'm bracing myself to hear the inadequate
10 staff again, because they're paid a little bit better than the
11 state correctional officers and you can't even hold them. I mean,
12 you know, main -- you can't keep those people in the high turnover
13 rate. I'm bracing myself to be equally disappointed.

14 And the closer we get to August, that first Tuesday in
15 August after the first Monday, and then three weeks later, and
16 then as we look toward November, I suspect all things are going to
17 happen. I mean, suppose the current sheriff does not make it
18 beyond the primary. That's a possibility, I think. I mean, not
19 that I'm predicting what might happen in the election. I'm not
20 doing that, but it's all possible.

21 It's all possible --

22 MR. TEEUWISSEN: Your Honor --

23 THE COURT: -- that the current DA might be the democratic
24 nominee for governor, in which case all bets are off.

25 MR. TEEUWISSEN: Your Honor, I want to disagree with you

1 slightly.

2 THE COURT: Okay.

3 MR. TEEUWISSEN: The Henley-Young is not that different,
4 because you've got to recall we had a youth court judge that was
5 locking up dozens of delinquents who had never been adjudicated,
6 and so we had the same systemic issues. We didn't have the
7 physical facility issues to the extent we have in Raymond. We did
8 have physical facility issues, but we had those same system
9 issues.

10 And I would remind Your Honor there was actually, I want
11 to say, five separate pieces of litigation between the board of
12 supervisors and the youth court to try and get that system to run
13 in such a way that we move the children out of there.

14 THE COURT: I will agree with you, it was egregious
15 because y'all had to -- yeah, because the youth court judge was
16 being sued by y'all or he was suing somebody or he was almost
17 being held in contempt. I understand that, you're right.

18 MR. TEEUWISSEN: I agree that the problems are of a
19 greater magnitude because of the number of individuals involved
20 and all that, Your Honor, but I don't think -- it's easy now to
21 look at Henley-Young and the success that has occurred and
22 minimize it without -- it's easy to forget the struggles we went
23 through to get there. We are going through those same struggles
24 right now with the adult system.

25 And let me say this. I think the government means well.

1 I think every monitor means well, but we are all struggling to
2 figure this out. And I'm sorry you're bracing yourself for
3 disappointment, but I heard today they said we're at 229 detention
4 officers. You're going to be disappointed. I don't think that
5 the County is magically going to get to the budgeted 271 by the
6 time you get the report. It would be wonderful if we could. I'm
7 sure the sheriff wants to do it, because he could tout that on the
8 election trail. I think everybody would like that.

9 But I think you are correct that we have some --
10 unfortunately, we have some additional disappointment ahead of us
11 while we try and figure out how to get traction. And I'm telling
12 you all as the County's attorney, I'm not sure how to get that
13 traction. It was extremely difficult to get the traction in the
14 youth system, which as you've pointed out is much smaller.

15 I'm not sure how to get it, but I do think we need to
16 think outside the box. We need some order from this Court with
17 respect to the criminal justice system that helps us, and then
18 we've got to -- all of us have got to figure out how to prioritize
19 what we're doing in a way that's doable.

20 As Your Honor knows if you can start building some
21 success, it will build upon itself just like the negativity. And
22 you may have forgotten this, Your Honor, in 2014, Mr. Burnside and
23 Mr. Dorsey were back there. They had escapes from that facility.
24 We had some youth set his mattress on fire in the secure part of
25 the facility. We had another young man jump out of a vehicle

1 because he didn't want to go to the facility and got shot by a
2 neighboring property owner. Our problems were pretty bad not that
3 long ago. We figured out how to get traction in that system and
4 have been able to sustain success.

5 I'm telling you I don't know, I don't think Ms. Barker
6 knows how we do that with the adult system, but we fully
7 acknowledge, the County acknowledges as my client, we've got to
8 figure out how to get that traction going.

9 THE COURT: Okay. Well, this is what I'll do. We will
10 have a telephonic status conference. I'll give you all until
11 June 28th. By that time, the parties will have likely received
12 from the monitor her report. You will still be fighting about
13 what's true or not in it I would imagine, because that's slightly
14 after -- that's about 48 days or so from now I believe.

15 MR. TEEUWISSEN: Actually we probably won't, because the
16 County has generally not responded to the monitor's report because
17 we, as counsel for County, did not think it was worth quibbling
18 about what was in the report.

19 I'll just take juveniles, for example. There are
20 recommendations made by Mr. Moser which are simply beyond what the
21 adult consent decree says. Yeah, making things more acoustically
22 and more pleasant with the furniture are great, but those aren't
23 constitutional requirements. But we have -- the County has been
24 very intentional in one thing, and that is not creating fights
25 with the Department of Justice, the government, or the monitors

1 that don't lead to some result.

2 THE COURT: We will set it for 2:30 that afternoon, and
3 that's a Friday, 2:30 central time, that's a Friday. It won't --
4 I don't suspect it will be long because by then I will -- the
5 parties will tell me what -- what is it that they've agreed to in
6 this thousand piece puzzle, what corners, what have they agreed
7 to. They will have had the benefit of seeing, in all likelihood,
8 the monitor's report. I will not have received it, which is fine.

9 But I'm giving the parties this opportunity to put this
10 thing on a map to getting it -- to get the County on a track to
11 compliance, and looking at the other status conference minutes, it
12 appears that the County has not been in compliance, certainly has
13 not been on every term ever. And that's what the County agreed to
14 do.

15 And I'm saying this on the record in the open so that
16 everybody can go tell all the stakeholders -- all the
17 stakeholders, particularly the named defendants have not done what
18 they need to do, and it makes it easy for the Court when you have
19 not complied to a term -- to terms that you agreed to comply to
20 that you participated in drafting the agreement saying I promise I
21 will do this, I promise I will do that, and I signed off on it to
22 get rid of the -- to get the litigation resolved.

23 It is easy for a court to find that someone has violated
24 their own agreement. I've done it before. I'll do it again. I
25 will find a party in contempt for violating terms that they agreed

1 to. Search Carlton Reeves contempt, violation of agreement, and
2 you might see something, and that's for the stakeholders. This is
3 serious. Every case is serious.

4 And, Mr. Teeuwissen, Ms. Barker, and everybody else, the
5 United States has done an admirable job of trying to make sure,
6 but the pieces need to come together. And I don't know what the
7 cost is going to take to make these pieces come together. I don't
8 know who will have to make whatever decisions about priorities and
9 all of that.

10 But I'll only be trying to enforce the terms of the
11 agreement that the parties themselves presented to Judge Barbour
12 for approval. The parties gave the Court its word that this is
13 what was going to bind them, and he adopted it. He accepted it.
14 So my only thing is to keep the parties -- to commit to the -- you
15 know, to commit to the word that they gave the Court, and if they
16 can't commit to that word, they're going to have to find -- show
17 significant substantial reasons why it cannot, and at that point,
18 this Court has not solicited what that might be right now. So I
19 can't say that the County can't show that it can't do it, but at
20 this time, I'm not trying to even make a record on that respect.

21 What I'm trying to do is make sure that the parties
22 understand that this Court, because of the kinds of cases we
23 receive, the types of complaints that we receive, because of
24 things that are tied to the people who are being held over in the
25 detention facility, the County understands it should not happen.

1 The United States understands it should not happen. And I'm just
2 trying to keep the parties, to keep the State committed to the
3 word and the promise that they gave the Court and the promise they
4 gave the public. Because this -- Judge Barbour signed off on this
5 agreed consent decree, because y'all gave it to him.

6 And so having said that, thank you all again for
7 accommodating each other and my schedule to be here today. I do
8 look forward to hearing about significant progress that's been
9 made with respect prior to June 28th.

10 I commend the monitors again for their very thorough
11 report from back in March. I expect to receive an equally
12 thorough report 60 days from now, but until then, I don't think
13 there's anything further.

14 Is there from the United States?

15 MR. CHENG: No, Your Honor.

16 THE COURT: Is there from -- and I don't know if I said it
17 on the beginning of this record, but this is *United States versus*
18 *Hinds County, Civil Action 3:16-CV-489-CWR-JCG*.

19 Is there anything further from the County or the sheriff?

20 MR. TEEUWISSEN: Not from the County, Your Honor.

21 MS. BARKER: No, Your Honor.

22 THE COURT: All right. Thank you so much. The Court is
23 adjourned.

24 *****
25

COURT REPORTER'S CERTIFICATE

I, Candice S. Crane, Certified Court Reporter, in and for the State of Mississippi, Official Court Reporter for the United States District Court, Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true, and correct transcript of the proceedings had in the aforementioned case at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I further certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

THIS the 21st day of May, 2019.

/s/ Candice S. Crane, CCR

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